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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

AIR QUALITY IMPLEMENTATION PLANS

Proposed Rulemaking for Certain States

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

ALASKA

Approval and Promulgation of Implementation Plans

Background. On July 27, 1972 (37 FR 15080), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved with specific exceptions the State of Alaska implementation plan for attainment and maintenance of national ambient air quality standards. Specifically, the Administrator disapproved Alaska's plan for the attainment and maintenance of the national ambient air quality standards for carbon monoxide in the Northern Alaska Intrastate Air Quality Control Region. The State of Alaska was required to submit a transportation control plan to assure attainment and maintenance of the standards for the Northern Alaska Region to EPA by February 15, 1973.

On January 31, the U.S. Circuit Court of Appeals for the District of Columbia found that the Administrator did not strictly conform to the requirements of the Clean Air Act in his July 27, 1972, decision. The Court ordered that the required transportation control plans be submitted to EPA by April 15, 1973.

On February 20, 1973, William A. Egan, Governor of Alaska, requested assistance from the Administrator in developing the necessary transportation control measures for the Fairbanks area to achieve the national ambient air quality standards. The Governor felt that State and local resources were not adequate to accomplish this task by April 15, 1973.

SUMMARY

The State of Alaska has not held public hearings to consider alternative transportation and land use control strategies as part of their implementation plan for the Region, nor has the State indicated that it will submit a plan in compliance with EPA requirements. As a result, this notice of proposed rule making sets forth proposed regulations that in the Administrator's judgment can be implemented to attain the carbon monoxide standards in the Northern Alaska Intrastate Region.

If, prior to Federal promulgation, the State of Alaska submits a transportation control plan which will assure attainment of national standards by May 31, 1977, and which the Administrator determines is acceptable, these proposed Federal regulations will be withdrawn. If the State plan is submitted and determined to be approvable after promulgation of Federal regulations, then these regulations will be rescinded. It is the desire of the Environmental Protection Agency that the plan to attain and maintain national standards in the Region be a State plan carried out by the State or by authorized local governments.

To the greatest extent feasible, the proposed Federal regulations are designed to implement transportation control measures that are acceptable to the State and/or that have received public support.

POLLUTION IN THE NORTHERN ALASKA REGION

The Northern Alaska Intrastate Region comprises the entire northern half of the State of Alaska from the Arctic Ocean to approximately the crest of the Alaska Range and along an irregular boundary extending westward to the delta of the Yukon River. The geographic and meteorologic characteristics of the Fairbanks portion of the Region in which the carbon monoxide problem exists contribute to the build-up of pollution. The encircling hills and frequent thermal inversions inhibit dispersion of pollutants; the rigorous winter climate complicates the use of ordinary modes of transportation.

Between October 1, 1972, and March 31, 1973, the 8-hour national ambient air quality standard for carbon monoxide of 9 parts per million (10 milligrams per cubic meter), not to be exceeded more than once per year, was exceeded on at least 112 days. The maximum 8-hour average concentration recorded in Fairbanks during the winter of 1972–73 was 28 parts per million. The highest 1-hour concentration of carbon monoxide, recorded at two locations, was 48 parts per million compared to the 1-hour ambient air quality standard of 35 parts per million.

The reductions in motor vehicle carbon monoxide emissions necessary to attain the carbon monoxide standards by 1975 were determined by forecasting the emission densities for that year using a proportional mathematical model and subtracting the allowable emission densities. The estimates of 1975 emissions were forecasted using data for traffic analysis districts in the Fairbanks North Star Borough. An estimated 65 percent reduction in motor vehicle carbon monoxide emissions, in addition to the reduction achieved by implementation of the Federal emission standards for new motor vehicles, is required to attain the 8-hour national ambient air quality standard for carbon monoxide in Fairbanks by 1975. The 8-hour carbon monoxide standard is the more restrictive of the two standards for that pollutant; attainment of the 8-hour standard will assure attainment of the 1-hour standard.

PROPOSED FEDERAL REGULATIONS

To attain national standards for carbon monoxide in the Northern Alaska Intrastate Region, Federal regulations are proposed to implement the following transportation control measures:

1. An annual inspection and maintenance program, using an idle emission test, to determine emissions from light-duty vehicles.

2. A retrofit program requiring installation of air bleed to intake manifold retrofit devices on vehicles of model years prior to 1968 and of oxidizing catalytic converters on vehicles of model years 1968 through 1974.

3. A parking management program that (a) requires a permit from the Administrator to construct, modify, or enlarge off-street parking facilities, (b) requires owners and operators of parking facilities to make provisions for heating vehicle engines and interiors, and (c) requires the prohibition of on-street parking on public streets in the Fairbanks central business district.

4. An idling limitation that restricts to 5 minutes the time vehicles are permited to idle following start-up.

These Federally proposed measures are necessary, in the absence of a State-adopted transportation control plan, to attain and maintain national standards for carbon monoxide in the Northern Alaska Intrastate Region. The proposed regulations take into account testimony and comments presented at EPA-sponsored public meetings held in Fairbanks on May 3 and June 13, 1973. Other measures are available to EPA and to the State that will, if implemented, assist in achieving a reduction in vehicle emissions equivalent to that resulting from the four proposed measures. The final selection of measures to be implemented will be based to the greatest extent possible on testimony presented at the public hearing held prior to Federal promulgation.

If the proposed inspection and maintenance program is implemented, exhaust emissions from all light-duty gasoline-powered vehicles will be analyzed yearly using an idle-mode emission test. The results of the test will be compared with a set of in-use vehicle emission standards. Those vehicles having emissions in excess of the standards will be required to have maintenance performed. Based on a cooperative study by the Fairbanks North Star Borough, the EPA Arctic Environmental Research Laboratory, and the Atlantic Richfield Company, an inspection and maintenance program can provide an effective means of reducing emissions at low (sub-freezing) ambient temperatures and will reduce vehicle carbon monoxide emissions in the Fairbanks area by at least 17 percent. The proposed regulation specifies that beginning in 1975 emissions from all vehicles will be inspected by an agency designated by the State and that any necessary maintenance will be performed. The State will not be permitted to register, nor will anyone be permitted to operate, any vehicle that has not undergone emission testing and met the established emission standards. The Administrator is continuing to assess the earliest practicable date on which the inspection and maintenance program can be fully implemented. He may revise this date based on results of this assessment.

The proposed retrofit program requires that two types of emission reduction devices be installed on motor vehicles registered in the Fairbanks North Star Borough. Installation of an air bleed to intake manifold retrofit device will be required on all vehicles of model years prior to 1968; oxidizing catalytic converters will be required on vehicles of model years 1968 through 1974. Although both the air bleed to intake manifold device and the oxidizing catalytic con-

verter are believed to be technologically feasible by 1975, the Administrator recognizes that it will not be possible to implement a retrofit program in the Northern Alaska Intrastate Region by that date. Consequently, the Administrator proposes to grant an extension of approximately 1 year beyond the May 31, 1975, attainment date for requiring installation of the air bleed to intake manifold retrofit and an extension of 2 years beyond the attainment date for requiring the installation of oxidizing catalytic converters. By June 30, 1976, all vehicles of model years prior to 1968 will be required to be equipped with the air bleed to intake manifold devices. By May 31, 1977, all 1968 through 1974 model year vehicles must be equipped with oxidizing catalytic converters. A retrofit program employed in 1975 would reduce vehicle carbon monoxide emissions by about 23 percent. In 1977 the emission reduction attributable to retrofit is reduced to 16.6 percent because of the lesser number of vehicles of model years 1974 and earlier.

The proposed regulation requiring that a permit be obtained from the Administrator prior to the construction, modification, or enlargement of a parking facility is intended to stabilize the supply of parking in areas of the Northern Alaska Intrastate Region where transportation control measures are necessary for attainment of national standards. Existing or proposed parking facilities to which the regulation is applicable will be reviewed to ascertain whether modification/enlargement or construction of the respective facilities will prevent the attainment and/or maintenance of national standards.

A regulation is also proposed to require owners and operators of parking facilities to make provisions for heating vehicle engines and interiors. Implementation of this requirement will reduce the necessity for vehicle idling and the pollutant emissions resulting from the idling. The proposed regulation restricting on-street parking will encourage the use of heated off-street parking facilities. Removal of on-street parking will also assist in improving traffic flow. If the parking regulations are implemented, the cumulative reduction in carbon monoxide emissions will be approximately 11 percent.

The proposed idling limitation prohibits the idling of any vehicle for more than 5 minutes after start-up. Estimates of emission reductions range from 5 percent to 25 percent and perhaps higher. Data acquired from the idle test inspection control measure will help refine the estimated degree of emission reductions which occur as a result of the idle limitation.

Three transportation control measures in addition to those contained in the Federal proposal will, when implemented, provide significant carbon monoxide emissions reductions. These measures include traffic flow improvements, a system of public transportation, and the opening of a north-south bypass highway, referred to as the Steese cut-off. Emission reductions were attributed to these measures although they are not included among proposed Federal regulations. Implementation of these measures will assist in reducing emissions of carbon monoxide within the central business district of Fairbanks.

Traffic flow improvements will result from actions such as better traffic signal timing and institution of additional one-way couplets. These measures, when implemented, will provide an increase in average vehicular speed and, as a result, a decrease in carbon monoxide emissions. These improvements will also provide a significant reduction in traffic congestion. These measures can be implemented as early as mid-1975.

The development of a system of public transportation in Fairbanks is essential to mitigate the disruptions and inconveniences which may result from inhibiting automobile use. Any system of public transportation that is implemented must be tailored to the individual characteristics of Fairbanks. The design of the system must consider the extreme cold of the winter months, and the low and dispersed residential population densities must be considered.

The construction and opening of the proposed Steese cut-off will provide a bypass highway that will eliminate a portion of the traffic that now enters and leaves the central business district with no interim stops. If provision is made for no exits from the highway between Gaffney Road and the north side of the bridge across the Chena River, the highway will be used primarily for moderate speed traffic with destinations other than downtown Fairbanks. Switching this traffic from the downtown area should have a significant impact on air quality in the central business district. The long-term air quality impact of a bypass with and without exits to the central business district should be evaluated prior to construction. In either case, it may be difficult to complete construction of this facility by the end of 1976.

COMPILATION OF CONTROL STRATEGY EFFECTS
CO % REDUCTION

	1975	1976	1977
Traffic flow + parking	6.8	----	----
Idling	3.9	----	----
Inspection/Maintenance	12.7	----	----
Air Bleed Retrofit	----	6.2	----
New Highway	----	8.2	----
Oxidizing Catalyst Retrofit	----	----	16.6
Federal Motor Vehicle Control Program	----	----	17.1
Percent Reduction Attained	23.4	37.8	71.5
Percent Reduction Required	64.6	64.6	64.6

SOCIAL AND ECONOMIC IMPACTS

A quantitative assessment of the economic and social impacts of the proposed Federal transportation control measures on the Northern Alaska Intrastate Region has not been possible due to the short time available for development of the measures and the innate complexities of the issues involved. However, an attempt has been made to identify some of the more important impacts that will result if the proposed Federal measures are promulgated and implemented.

First, if the proposed inspection/maintenance and retrofit programs are implemented, vehicle owners will probably have to assume directly some of the costs of vehicle inspection, all of the costs of any vehicle maintenance required to meet the emission-inspection standards, and all of the costs of the purchase and installation of retrofit devices. If a failure rate of 50 percent is set for the inspection/maintenance program, the annual cost for each vehicle inspected is estimated to average $15. Owners of light-duty vehicles of model years earlier than 1968 will have to pay approximately $35 to $60 for purchase and installation of an air bleed to intake manifold retrofit device. Owners of light-duty vehicles of model years 1968 through 1974 will have to pay approximately $160 to $200 for the installation of oxidizing catalytic converters. The costs for inspection of vehicles for emissions, for performing the vehicle maintenance required to meet emission inspection standards, and for purchase and installation of retrofit devices will fall most heavily on low-income families because they will have to spend a larger percentage of their disposable incomes for inspection and any resultant maintenance.

The portion of the parking management program limiting development of additional off-street parking spaces will cause inconveniences to those traveling to downtown Fairbanks. The extent of the inconvenience will depend on the adequacy of the public transportation system developed. The portion of the program dealing with provision of electrical outlets and heating units will cause some increase in parking fees; however, this cost may be mitigated by the savings resulting from short idling periods. The removal of on-street parking will result in some loss of revenue to the City from short-term metered parking, but will result in increased utilization of off-street parking facilities and increased revenues for owners of both public and private parking facilities. The idling limitation will provide savings to the vehicle operator in reduced fuel consumption and engine maintenance.

EPA EFFORTS TO MITIGATE THE EFFECTS OF PROPOSED REGULATIONS

The proposed Federal regulations will eliminate the danger to human health and welfare that exists in the Northern Alaska Intrastate Region as a result of air pollution from motor vehicles. The regulations may, however, have adverse economic and social impacts. The Administrator will make every effort to mitigate the adverse effects of his final promulgation. He will be in contact with the Department of Transportation and other departments as necessary. The Administrator will request that these departments give special attention to the need for funding of programs necessary to offset any adverse effects resulting from the implementation of transportation control measures.

PUBLIC COMMENTS SOLICITED

The Administrator intends that any Federal regulations which must be pro-

mulgated be as responsive as possible to the needs of the Northern Alaska Intrastate Region; he therefore desires to obtain the comments and suggestions of the public on the proposed regulations and on any other measures that may be taken by Federal, State, or local governments to strengthen, supplement, or replace the proposed measures. Public hearings will be held on this and any alternative proposals in Fairbanks at 7:30 p.m. on August 6, 1973. In any promulgation of regulations necessary, the Administrator will consider all comments and testimony he receives, as well as any additional strategies submitted by the State.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Administrator, EPA, Region X, 1200 Sixth Avenue, Seattle, Washington 98101, Attention: Ms. Betty Weise. All relevant comments received within 30 days of this date will be considered. Receipt of comments will be acknowledged, but substantive responses to individual comments will not be provided. Comments received will be available for public inspection during normal business hours at the library of EPA Region X. The changes proposed by this notice, with appropriate modification, will be effective as noted. This notice of proposed rulemaking is issued under the authority of sections 110(c) and 301(a) of the Clean Air Act.

(42 U.S.C. 1857c et seq)

Dated: July 6, 1973.

ROBERT W. FRI,
Acting Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40, of the Code of Federal Regulations as follows:

Subpart O—Alaska

1. Subpart O is amended by adding §§ 52.77, 52.78, 52.79, 52.80, 52.81, and 52.82 as follows:

§ 52.77 Idling limitations.

(a) Definition:

(1) "Idling" means the operation of a motor vehicle engine while the motor vehicle is attended or unattended, while not in the process of moving from one place to another.

(b) This regulation is applicable in the City of Fairbanks in the State of Alaska.

(c) Commencing May 31, 1975, the State of Alaska, Fairbanks North Star Borough, and the City of Fairbanks shall each prohibit for more than 5 minutes the idling of all motor vehicles while parked or operated on streets or highways within the City of Fairbanks over which each has ownership or control.

(d) After May 31, 1975, no person shall cause, permit, or allow for more than 5 minutes the idling of any motor vehicle where prohibited pursuant to paragraph (c) of this section.

(e) On or before October 1, 1973, the State of Alaska, Fairbanks North Star Borough, and the City of Fairbanks shall each submit a detailed compliance schedule showing the steps necessary to carry out the restrictions contained in paragraph (c) of this section. Such statement shall include:

(1) Identification of elements necessary to assure enforceability which may be a statement of present authority and implementing regulations, or, if needed, drafts of proposed legislation, ordinances, or regulations.

(2) Designation of agencies responsible for enforcing the prohibition.

(3) A program for State and local enforcement of the idling restrictions including but not limited to towing away those vehicles idling over 5 minutes in violation of a prohibition or subjecting the owner to a fine of up to $100, or both.

(f) Failure to comply with any provisions of this paragraph shall render such person or governmental entity in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act.

§ 52.78 Regulation for an inspection and maintenance program.

(a) Definitions:

(1) "Inspection and maintenance program" means a program for reducing emissions from in-use gasoline-powered vehicles through identifying vehicles which need emission-control-related maintenance and requiring that maintenance be performed.

(2) All other terms used in this section which are defined in Part 51, Appendix N of this chapter, are used herein with the meanings so defined.

(b) This regulation is applicable in the City of Fairbanks and the Fairbanks North Star Borough within the Northern Alaska Intrastate Air Quality Control Region in the State of Alaska.

(c) The State of Alaska shall establish an inspection and maintenance program applicable to all light-duty gasoline-powered motor vehicles which operate on public streets or highways within the area defined in paragraph (b) of this section. No later than March 1, 1974, the State shall submit to EPA legally adopted regulations to establish such a program. The regulations shall include:

(1) Provisions for inspection of all light-duty gasoline-powered motor vehicles at periodic intervals no more than 1 year apart by means of an idle emission test.

(2) Provisions for inspection failure criteria consistent with the emission reductions claimed in the plan for the strategy. These criteria shall include failure of 50 percent of the vehicles in the first inspection cycle.

(3) Provisions to ensure that failed vehicles receive the maintenance necessary to achieve compliance with the inspection standards. These shall include sanctions against individual owners and repair facilities; retest of failed vehicles following maintenance; use of a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts, and knowledge to perform the tasks satisfactorily; and such other measures as may be necessary or appropriate.

(4) A program of enforcement to ensure that vehicles are not intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. This enforcement program might include spot checks of idle adjustments and/or a suitable type of physical tagging.

(5) Provisions for beginning the first inspection cycle by June 1, 1975, and completing it by December 31, 1975.

(6) Designation of an agency or agencies responsible for conducting, overseeing, and enforcing the inspection and maintenance program.

(d) After December 31, 1975, the State shall not register or allow to operate on public streets or highways any light-duty gasoline-powered vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(e) After December 31, 1975, no owner of a light-duty gasoline powered vehicle shall operate or allow the operation of such vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(f) The State of Alaska shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce an inspection and maintenance program pursuant to paragraph (c) of this section, including:

(1) The text of needed statutory proposals and needed regulations which it will propose for adoption.

(2) The date by which the State will recommend needed legislation to the State legislature.

(3) The date by which necessary equipment will be ordered.

(4) A signed statement from the Governor or his designee identifying the sources and amounts of funds for the program. If funds cannot legally be obligated under existing statutory authority, the text of needed legislation shall be submitted.

(g) Failure to comply with any provisions of this paragraph shall render such person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act. With regard to compliance schedules, the State will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule

when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.79 Off-street parking management.

(a) Definitions:

(1) "Construction" means fabrication, erection, or installation of a parking facility, or any conversion of land to use as a parking facility.

(2) "Modification" means any change to a parking facility which increases the vehicle capacity of such facility.

(3) "Enlargement" means any physical change or addition to a parking facility which increases the vehicle capacity of such facility.

(4) "Commenced" means that an owner or operator has undertaken a continuous program of construction, modification, or enlargement.

(5) "Off-street parking facility" (also called "facility") means any facility, building, structure, or lot or portion thereof used primarily for temporary storage of motor vehicles.

(6) "Major off-street parking facility" means an off-street parking facility for 5 or more motor vehicles.

(b) This regulation is applicable in the City of Fairbanks.

(c) No person or governmental entity, after August 15, 1973, shall commence construction of any new parking facility or modification or enlargement of any existing parking facility until he has first received from the Administrator or from an agency approved by the Administrator a permit stating the construction, modification or enlargement of such facility will not interfere with the attainment or maintenance of applicable Federal air quality standards.

(d) In order for any agency to be approved by the Administrator for purposes of issuing permits for construction of any new parking facility or any modification or enlargement of any existing parking facility, such agency shall demonstrate to the satisfaction of the Administrator that:

(1) Requirements for permit applications and issuance have been established. Such requirements shall include, but not be limited to, a requirement that before a permit may be issued the following findings of fact or factually supported projections must be made:

(i) The location of the facility.

(ii) The total motor vehicle capacity before and after the construction, modification, or enlargement of the facility.

(iii) The normal hours of operation of the facility and the enterprises and activities which it serves.

(iv) The number of people using or engaging in any enterprises or activities which the facility will serve.

(v) The number of motor vehicles using the facility on an average hourly basis and a peak hour basis.

(vi) A projection of the geographic areas in the community from which people and motor vehicles will be drawn to the facility. Such projections shall include data concerning the availability of public transit from such areas.

(2) Criteria for issuance of permits have been established and published. Such criteria shall include, but shall not be limited to:

(i) Full consideration of all facts contained in the application.

(ii) Provisions that no permit shall be issued if such permit will result in the increase of vehicle miles of travel within any area the air quality of which fails to meet applicable Federal air quality standards.

(3) Agency procedures provide that no permit for the construction, enlargement or modification of a parking facility covered by this section shall be issued without notice and opportunity for public hearing. The public hearing may be of the legislative type; the notice shall conform to the requirements of Part 51.4(b) of this chapter; and the agency rules of procedure may provide that if no notice of intent to participate in the hearing is received from any member of the public (other than the applicant) prior to 7 days before the scheduled hearing date, no hearing need be held. Such a requirement, if imposed, shall be noted prominently in the required notice of hearing.

(e) After October 1, 1974, no major off-street parking facilities shall be operated between October and April unless the following measures are taken by the owner or operator of the off-street parking facility:

(1) Electrical outlets are installed for each parking place for head bolt heaters or equivalent heating device.

(2) Heating units are provided for each parking place to heat vehicle interiors.

(3) No metering charges for heater or outlet are made above the standard parking charge for use of the off-street parking facility. These measures need not be taken if the interior of the building or structure is heated to at least 40°F, to remove the necessity for extended idling to warm either the vehicle or engine or passenger interior. One thermometer in working condition shall be prominently displayed for each 1200 square feet of parking space.

§ 52.80 On-street parking management.

(a) Definitions:

(1) "On-street parking" means stopping a motor vehicle on a street or sidewalk, whether or not a person remains in the vehicle.

(2) "Off-street parking facility" means any facility, building, structure, or lot or portion thereof used primarily for temporary storage of motor vehicles.

(3) "Central business district" means that area of downtown Fairbanks which is bounded by the Chena River on the north; Dunkle Street on the east; Fifth Avenue, Cushman Street, and Seventh Avenue on the south; and Barnette Street, Third Avenue, and Wickersham Street on the west.

(b) This section is applicable in the Fairbanks central business district.

(c) Beginning January 1, 1974, the City of Fairbanks, the Fairbanks North Star Borough, and the State of Alaska shall prohibit on-street parking on the streets or highways over which it has ownership or control within the Fairbanks central business district, with the exception that persons residing within the central business district shall be issued one permit per vehicle by the City of Fairbanks before January 1, 1974, to be prominently affixed to the vehicle if it can be demonstrated that there is no alternative off-street parking available. The prohibition shall state that vehicles parked in violation shall either be towed away, or the owner shall be subject to a fine of up to $100, or both.

(d) On or before October 31, 1973, the Governor shall submit legally adopted regulations to EPA as provided for in paragraph (c) of this section and shall submit a detailed schedule showing the steps that will be taken and the respective implementation dates to effect the prohibition, exceptions, and penalties provided for in paragraph (c) of this section and to assure compliance by January 1, 1974. Such schedule shall include:

(1) Designation of the agency responsible for the administration and enforcement of the program.

(2) The procedures by which the designated agency will rule on exceptions for residents of the Fairbanks central business district and enforce the prohibition provided for in paragraph (c) of this section.

(e) Failure to comply with any provision of this section shall render each person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act. A State will be considered to have failed to comply with the requirements of this regulation if it fails to timely submit the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.81 Air bleed to intake manifold retrofit.

(a) Definitions:

(1) The term "air bleed to intake manifold retrofit" as used in this section means a device in the intake system of the vehicle which enables the air/fuel ratio to be increased by metering additional air to the intake manifold in accordance with intake manifold vacuum advance to reduce emissions of hydrocarbons and carbon monoxide to the atmosphere.

(2) All other terms used in this section which are defined in Part 51, Appendix N of this chapter, are used herein with the meanings so defined.

(b) This section is applicable in the City of Fairbanks and the Fairbanks North Star Borough within the Northern Alaska Intrastate Air Quality Control Region in the State of Alaska.

(c) The State of Alaska shall establish a retrofit program to ensure that on or before June 30, 1976, all gasoline-powered light-duty vehicles of model years prior

to 1968, subject under presently existing legal requirements to registration in the area defined in paragraph (b) of this section, are equipped with an appropriate air bleed to intake manifold device. No later than March 1, 1974, the State shall submit legally adopted regulations to EPA establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving such devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of subparagraph (3) of this paragraph are enforced.

(3) Provisions for beginning the installation of the air bleed devices by July 1, 1975, and completing the installation of the devices on all vehicles subject to this section no later than June 30, 1976.

(4) A provision that starting no later than June 30, 1976, no vehicle of which retrofit is required under this section passes the annual emission tests provided for by § 52.78 unless it has been first equipped with an approved air bleed to intake manifold device which the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

(5) Methods and proposed procedures for ensuring that those installing the retrofit devices have the training and ability to perform the needed tasks satisfactorily and will have an adequate supply of retrofit components.

(d) After June 30, 1976, the State shall not register or allow to operate on its streets or highways any light-duty vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(e) After June 30, 1976, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle which does not comply with the applicable standards and procedures implementing this section.

(f) The State of Alaska shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to paragraph (c) of this section, including the text of statutory proposals and regulations which the State proposes for adoption. The compliance schedules shall also include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1974.

(g) Failure to comply with any provision of this section shall render each person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act. A State will be considered to have failed to comply with the requirements of this regulation if it fails to timely submit the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.82 Oxidizing catalyst retrofit.

(a) Definitions:

(1) "Oxidizing catalyst" means a device installed in the exhaust system of the vehicle that utilizes a catalyst and, if necessary, an air pump to reduce emissions of hydrocarbons and carbon monoxide from that vehicle.

(2) All other terms used in this section which are defined in Part 51, Appendix N of this chapter, are used herein with the meanings so defined.

(b) This section is applicable in the City of Fairbanks and the Fairbanks North Star Borough within the Northern Alaska Intrastate Air Quality Control Region in the State of Alaska.

(c) The State of Alaska shall establish a retrofit program to ensure that on or before May 31, 1977, gasoline-powered light-duty vehicles of model years 1968 through 1974, subject under presently existing legal requirements to registration in the area defined in paragraph (b) of this section, are equipped with an appropriate oxidizing catalyst retrofit device. No later than October 30, 1974, the State shall submit legally adopted regulations to EPA establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving such devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that provisions of paragraph (c)(3) of this section are enforced.

(3) A provision that starting no later than May 31, 1976, the State of Alaska shall require those light-duty vehicles of 1974 model year and earlier which are able to operate on 91 RON (research octane number) gasoline to be retrofitted with an oxidizing catalytic converter. The installation shall be completed by May 31, 1977.

(4) Methods and proposed procedures for ensuring that those installing the retrofits have the training and ability to perform the needed tasks satisfactorily and will have an adequate supply of retrofit components.

(d) After June 1, 1977, the State shall not register or allow to operate on its streets or highways any light-duty vehicle which does not comply with applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(e) The State of Alaska shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to paragraph (c) of this section, including the text of needed statutory proposals and needed regulations which it will propose for adoption. The compliance schedule shall also include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1975.

(f) Failure to comply with any provisions of this section shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. A State will be considered to have failed to comply with the requirements of this regulation if it fails to timely submit the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

[FR Doc.73-14265 Filed 7-13-73;8:45 am]

[40 CFR Part 52]

ARIZONA

Approval and Promulgation of Implementation Plans

Background. In accordance with an order of the U.S. Court of Appeals for the District of Columbia Circuit, several States were required to submit transportation control plans on April 15, 1973. Most State plans submitted on April 15 relied on extensive use of common control measures such as inspection/maintenance and installation of retrofit emission control devices. As a result of EPA evaluation of the State plans, applicability, effectiveness, and minimum time required for complete implementation of the control strategies on a nationwide basis were established. After reviewing the Arizona plan in light of the data consolidated from the evaluation of all State plans, the Administrator concluded that the plan was partially approvable. Namely, the strategy for attainment of the national standard for photochemical oxidants was approved while the attainment of the carbon monoxide standards was not approved. The evaluation of the Arizona plan is available for inspection at U.S. Environmental Protection Agency, Region IX, 100 California Street, San Francisco, California 94111, and the U.S. Environmental Protection Agency, Freedom of Information Center, Room 329, 401 M Street SW., Washington, D.C. 20460.

Since the Administrator disapproved a portion of the Arizona transportation plan, the Administrator is required, under section 110(c) of the Act, to propose and subsequently promulgate regulations setting forth a substitute portion of such plan. Proposed regulations for the attainment and maintenance of the national standards for carbon monoxide are herewith proposed.

PUBLIC HEARINGS

The Administrator will hold public hearings on the proposed regulations in order to provide the general public ample opportunity to comment. Two hearings will be held in Arizona as follows: in Phoenix on August 6, 1973, at 9:30 a.m. in the Phoenix Civic Plaza Flagstaff Room, 225 East Adams Street, and in Tucson on August 8, 1973, at 9:30 a.m. in the Tucson Community Center Theater, 260 Church Street. Persons wishing to participate in the hearing are requested (but not required) to submit three copies of their statements at least

five days prior to the date of the hearing to: Cassandra Dunn, Regional Counsel, U.S. Environmental Protection Agency, Region IX, 100 California Street, San Francisco, California 94111.

SUMMARY

Studies by the Agency indicate that a reduction on the order of 54 percent would be necessary in projected 1975 emissions of carbon monoxide in order to attain the national primary ambient air quality standards in the Phoenix-Tucson Intrastate Region. It should be noted that a reduction of 68 percent would have been necessary to attain the standards in 1971. The difference in the needed reductions is due to control measures on stationary sources submitted by the State and already approved, and reductions achieved through reduced automobile emissions resulting from the Federal Motor Vehicle Control Program. The Administrator will herewith propose control measures to show attainment, but the Administrator has concluded that an extension of the deadline for achieving the standards to 1977, under section 110(e) of the Act, is justified because the necessary technology or other alternatives are not available and will not be available soon enough to permit full compliance. In reaching this conclusion, the Administrator has considered and applied as part of the plan reasonably available alternative means for attaining the primary standards. The control measures proposed herein reflect what EPA considers to be the most feasible approach for meeting the national standards in the Region. However, these measures are subject to change prior to promulgation as a result of written comments, testimony presented at the public hearings or further study by EPA.

The Administrator recognizes the commitment the State of Arizona has made to periodic vehicle inspection and retrofit of emission control devices for light-duty vehicles and commends the State's efforts and progress in their development. Even though the Administrator finds that the plan submitted by the State of Arizona does not provide sufficient emission reduction, these individual control measures are acceptable means for reducing vehicle emissions. Therefore, the Administrator is proposing these measures, in accordance with the schedule set forth in the State's plan, supplemented by additional controls. The additional controls include feasonable and apparently available means of reducing carbon monoxide. These means include bus/carpool lanes on freeways and major streets, reduction in off-street public parking, and limitations on the construction of additional parking facilties, supplemented by the required availability of computer-aided carpool and bus matching system. The intent of these measures is to reduce VMT (vehicle miles traveled) by discouraging individual use of private vehicles and encouraging use of carpools and existing transit systems, and to stimulate new and/or expanded transit systems. These control measures will be implemented prior to 1975. Less attractive and more severe measures are ultimately required to show attainment by 1977. These are also proposed and would be instituted in 1974 and fully implemented by May 31, 1977. These measures include a ceiling on further increases in gasoline consumption beyond 1973 levels accompanied by a limit on motorcycle registration to the projected 1975 level. The primary guideline the Agency has used in proposing these control measures for VMT reduction is that sufficient alternative transportation capacity is presently or potentially available in the metropolitan area of the Phoenix-Tucson Region to achieve a 10–15 percent VMT reduction by 1975 with an additional similar reduction by 1977.

The Agency also encourages close examination of such measures as replacement of on-street parking with bicycle lanes on major streets, fare reduction, provision of a jitney service and use of mini-buses, fringe parking lots for transfer to buses and carpools, special parking privileges for carpools, on-street parking prohibition for nonresidents, State taxes to encourage VMT reduction or to raise revenue to benefit mass transit, and provision of bus tokens in place of free parking privileges.

The Administrator encourages the State to adopt and resubmit transportation control strategies identical or equivalent to the strategies proposed below together with an adequately documented justification for an extension of the attainment date for the carbon monoxide standards.

STATE AND LOCAL IMPLEMENTATION OF CONTROL MEASURES

In order to preserve the intent of the Clean Air Act whereby local pollution problems will be dealt with primarily at the local level, the Agency will require State and local governments to take action wherever possible, and will not involve the Federal government in the administration of local programs and in direct enforcement against individual citizens. Requirements of this sort are applicable to bus/carpool lanes, motorcycle control, public parking facilties, inspection/maintenance, retrofit, and gas limitations. Appropriate governments will also be required to submit compliance schedules for these programs, with complete details for their implementation.

If the State submits adequate control measures or substitute control measures which will achieve comparable reductions in pollution, then the Administrator can approve the State's measures rather than promulgate his own. However, the requirement to submit adequate compliance schedules and take other actions will be enforced on a timely basis if the Agency's measures are promulgated. Therefore, it is suggested that plans to comply with these measures not be delayed.

REVISED CONTROL STRATEGIES

The State of Arizona is proceeding with a mandatory periodic vehicle inspection for light-duty vehicles which, if implemented as planned, will serve as an outstanding example of a loaded emission test for other States. In addition, the State has proposed to investigate mandatory inspections of motorcycles and heavy-duty vehicles. The proposal herein will require mandatory periodic vehicle inspection for light-duty vehicles only. EPA does not currently have information on the effectiveness or time required for implementation of an inspection program for heavy-duty vehicles and, therefore, cannot propose this control measure. Catalytic converters would be required in 1976–77 for many vehicles in the 1968 through 1974 model years. It is estimated that catalytic converters can only be retrofitted on 20 percent of the 1968–1970 vehicles and 75 percent of the 1971–1974 vehicles because of potential lubricity and octane problems associated with the use of 91 octane lead-free fuel. It cannot be concluded at present that the technology for retrofit converters has developed to the point that they could be installed effectively as retrofit devices in 1975. However, the Agency will monitor the status of development of this technology and accelerate the dates if feasible. This strategy was an acceptable control measure in the plan submitted by Arizona. Another retrofit control measure will be the requirement for retrofit of air bleed devices on many pre-1968 light-duty vehicles. This retrofit measure was also an acceptable control measure in the proposed Arizona plan.

The remainder of the strategies proposed are directed toward a 32 percent reduction in VMT by light-duty vehicles which would be accomplished by 1977. A 10–15 percent VMT reduction can be achieved by 1975 by increasing the occupancy factor for work-oriented trips by 50–75 percent. The present estimated occupancy factor is 1.2 persons per vehicle. The goal would be to raise this factor to between 1.8 and 2.1 persons per vehicle for work-oriented trips. (These estimates are based on the estimate that 40 percent of urban travel is work-oriented, as stated in the Maricopa Association of Government report, "Transit and the Phoenix Metropolitan Area.") This is proposed to be accomplished by bus/carpool lanes on freeways and major streets, reductions in off-street public parking, and limitations on the construction of additional parking facilities, supplemented by the required availability of computer-aided bus and carpool matching system. The measures proposed herein will require conversion of some motor vehicle lanes on all major streets and highways, and it is expected that a widespread network of bus/carpool lanes will provide substantial incentive to the use of buses and carpools while making private vehicle travel by single drivers relatively less attractive. Planning for specific motor vehicle lanes is expected to take place at the local level, under the overall requirements herein. Exceptions to or modifications of the broad requirements will be approved when specifically justified. Because sufficient numbers of buses are not presently available to carry

the passengers currently using these lanes in private cars, these proposed regulations would reserve the use of these lanes for carpools with three or more persons in each vehicle.

To assist commuters who desire to form carpools, it is proposed to require the availability of a computer-aided bus/carpool matching system. Participation in this program would be voluntary. The system would provide each participant with a listing of names, home locations, and work phone numbers of all other participants whose working hours most nearly match theirs.

Publicly owned off-street parking facilities will be required to reduce their number of parking spaces in an effort to reduce the high number of low-occupancy private vehicles entering the central business districts and other congested areas, and to promote voluntary carpooling and the use of bus transit. Comment is invited on the possibility of extending this control to privately owned parking facilities, either by outright reductions in spaces or by imposing regulatory fees. Another provision would limit further construction of new parking facilities in the metropolitan area.

It is estimated that the above control measures can achieve a 10–15 percent VMT reduction by 1975. To assure that this VMT is achieved and to achieve an additional 15 percent reduction between 1975 and 1977, it is proposed to limit further increases in gasoline consumption beyond 1972–1973 levels accompanied by a limit on motorcycle registration to the projected 1975 level. Initiation of the gasoline limitation in mid-1974 is expected to have relatively light impact until 1975 due to the reduced demand for gasoline consumption resulting from the aforementioned VMT reduction measures. Subsequent to 1975, the continuing growth in VMT within the Region will be retarded by limiting the continued growth in gasoline consumption. Gasoline consumption has been increasing approximately 6.6 percent per year. It is proposed that distributors not be permitted to deliver to retail outlets any more gasoline than is distributed during the base year of July 1, 1972-June 30, 1975. No requirements will be placed on the individual motorist. The gasoline limitation and motorcycle registration limitation would be eliminated when they are no longer required to maintain the carbon monoxide standards. It is expected that this will occur during the 1977–1980 time period.

In addition, an overall ceiling on the increase in numbers of motorcycles and scooters is proposed to prevent counterproductive shifts from auomobiles to motorcycles as a result of gasoline limitation or parking bans. It should be noted that at the time the ceiling on motorcycle registrations would be implemented, motorcycle carbon monoxide emissions would be 14 to 20 times greater than the new 1976 automobile emissions on a grams-per-mile basis. Thus, any shift in usage from automobiles to motorcycles to counter gas limitations would result in a large increase in emissions.

In an attempt to remove the ceiling on motorcycle registration, the Agency will evaluate the feasibility of establishing emission standards for new motorcycles and will evaluate the availability of motorcycle emission control technology for meeting emission standards and for retrofit.

Compilation of Control Strategy Effects

Table I shows the relative importance of each control measure in 1977. Table II shows a compilation of control strategy effects. As can be seen, the national standards for carbon monoxide are attained by 1977.

Table I

	Percent
Percentage reduction needed for attainment in 1977	44.5
Amount attributed to control measures:	
Inspection/maintenance	8.0
Retrofit devices:	
Oxidizing catalytic converter	11.9
Air bleed	9.9
VMT reduction	9.7
Gasoline/motorcycle limitation	9.0
Percentage reduction attained	48.5

Table II

Source and Control Measures	Emissions and Reductions, tons/day		
	1975	1977	1980
Mobile Source Emissions without Proposed Control Measures	612.7	488.0	338.3
Expected Reductions: Inspection/Maintenance		−48.0	−33.8
Retrofit Devices			
Oxidizing Catalytic Converter		−72.5	−45.8
Air Bleed		−60.8	−39.0
VMT Reduction Measures	−73.6	−59.6	−40.6
Gasoline Limitation*		−54.7	
Motorcycles	14.0	14.0	18.6
Heavy-duty Vehicles	69.5	80.3	98.6
Other (Stationary, Aircraft, etc)	28.7	28.7	31.5
Total Emissions Remaining	648.4	314.6	327.8
Allowable Emissions for Attainment of CO Standards	333.1	333.1	333.1

*Gasoline limitation and motorcycle registration limitation are only required between 1974–1975 and 1977 to attain and maintain the CO standard.

Submittal of Written Comments

Interested persons may participate in this rule making by submitting written comments, preferably in triplicate, to the Regional Administrator, EPA, 100 California Street, San Francisco, California 94111. All relevant comments received within 30 days of this date will be considered. Receipt of comments will be acknowledged, but substantive responses to individual comments will not be provided. Comments received will be available for public inspection at the Regional Office. Copies of the proposal will also be available for inspection at the following locations: Arizona Division of Air Pollution Control, 1740 W. Adams Street, Phoenix, Arizona, 85007, and the Pima County Air Pollution Control Division, 151 West Congress Street, Tucson, Arizona 85701. The final promulgation of regulations for the Phoenix-Tucson Intrastate Region will take place on August 15, 1973. This notice of proposed rule making is issued under the authority of section 110(c) and section 301(a) of the Clean Air Act.

(42 U.S.C. 1857c–5)

Dated: July 6, 1973.

Robert W. Fri,
Acting Administrator.

It is proposed to amend Part 52 of Chapter 1, Title 40, of the Code of Federal Regulations as follows:

Subpart D—Arizona

1. Subpart D is amended by adding §§ 52.136, 52.137, 52.138, 52.139, 52.140, 52.141, 52.142, 52.143, and 52.144 as follows:

§ 52.136 Gasoline limitations.

(a) Definitions:

(1) The term "base year" means the consecutive 12-month period commencing on July 1, 1972, and ending June 30, 1973.

(2) The term "distributor" means any corporation, partnership, or sole proprietorship which transports or stores or causes the transportation or storage of gasoline between any refinery and any retail outlet.

(3) The term "retail outlet" means any establishment at which gasoline is sold or offered for sale to the public, or introduced into any vehicle.

(b) This section is applicable in the Phoenix-Tucson Intrastate Air Quality Control Region (hereafter referred to as the Region), to all distributors of gasoline to any retail outlet in this area and to the owners or operators of all retail outlets in this area.

(c) Beginning July 1, 1974, the State of Arizona shall implement regulations limiting the total gallonage delivered to retail outlets in the Region to the amount delivered to such outlets during the base year.

(d) In order for the State to determine the amount of gasoline delivered during the base year and years during which control is in effect, all distributors to which this section applies shall provide the State with a detailed accounting of the amount of gasoline delivered to each retail outlet in the Region during the base year and years during which control is in effect. For each year during which control is in effect, the owner or operator of each retail outlet to which this section applies shall provide the State with a detailed accounting of gasoline received from each distributor, including the total amount of gasoline received from each distributor, the total amount of gasoline sold during the year, and the amount of gasoline on hand at the beginning and end of the year. The State may require any other reports as it may deem necessary for the implementation of this section.

(e) The State of Arizona shall submit no later than October 1, 1973, a detailed compliance schedule showing steps it will take to establish and enforce the limitation program specified in paragraphs (c) and (d) of this section, including:

(1) The text of needed statutory proposals and needed regulations which it will propose for adoption.

(2) A date by which the State shall adopt procedures to ensure that no more than the amount of gasoline specified in paragraph (c) of this section is delivered to retail outlets in the Region. Such date shall be no later than March 30, 1974.

(3) A date by which any report necessary for establishing such procedures will be furnished to the State by the distributors. Such date shall be no later than January 1, 1974.

(4) Designation of an agency responsible for implementation and monitoring of this program.

(f) Failure to comply with any provisions of this section shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. With regard to compliance schedules, a State will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.137 Inspection and maintenance program.

(a) Definitions:

(1) "Inspection and maintenance program" means a program to reduce emissions from in-use vehicles through identifying vehicles which need emission control related maintenance and requiring that maintenance be performed.

(2) All other terms used in this section which are defined in Part 51, Appendix N of this chapter, are used herein with the meanings so defined.

(b) This section is applicable in the Phoenix-Tucson Intrastate Air Quality Region (hereafter referred to as the Region).

(c) The State of Arizona shall establish an inspection and maintenance program applicable to all light-duty vehicles which operate on streets or highways over which it has ownership or control. No later than October 30, 1974, the State shall submit legally adopted regulations to EPA establishing such a program. The regulations shall include:

(1) Provisions for inspection of all light-duty motor vehicles at periodic intervals no more than one year apart by means of a loaded test.

(2) Provisions for inspection failure criteria consistent with the emission reductions claimed in the plan for the strategy. These criteria shall include failure of 50 percent of the vehicles in the first inspection cycle.

(3) Provisions to ensure that failed vehicles receive the maintenance necessary to achieve compliance with the inspection standards. This shall include sanctions against individual owners and repair facilities, retest of failed vehicles following maintenance, a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts and knowledge to perform the tasks satisfactorily, and such other measures as may be necessary or appropriate.

(4) A program of enforcement to ensure that vehicles are not intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. This might include spot checks of idle adjustments and/or a suitable type of physical tagging.

(5) Provisions for beginning the first inspection cycle by July 1, 1975, and completing it by July 1, 1976.

(6) Designation of any agency or agencies responsible for conducting, overseeing, and enforcing the inspection and maintenance program.

(d) After July 1, 1976, the State shall not register or allow to operate on its streets or highways any light-duty vehicle which has not complied with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(e) After July 1, 1976, no owner of a light-duty vehicle shall operate or allow the operation of such vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(f) The State of Arizona shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce an inspection and maintenance program pursuant to paragraph (c) of this section, including:

(1) The text of needed statutory proposals and needed regulations which it will propose for adoption.

(2) The date by which the State will recommend needed legislation to the State legislature.

(3) The date by which necessary equipment will be ordered.

(4) A signed statement from the Governor or his designee identifying the sources and amounts of funds for the program. If funds cannot legally be obligated under existing statutory authority, the text of needed legislation will be submitted.

(g) Failure to comply with any provisions of this section shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. With regard to compliance schedules, the State will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.138 Bus/carpool lanes.

(a) Definitions:

(1) "Carpool" means a vehicle containing three or more persons.

(2) "Bus/carpool lane" means a motor vehicle lane on a street or highway open only to buses (or buses and carpools), whether constructed specially for that purpose or converted from existing lanes.

(3) "Major street or highway" means any street or highway which meets the criteria given in paragraphs (b)(4)(ii) or (iii) of this section.

(b) This regulation is applicable in the Phoenix-Tucson Intrastate Air Quality Control Region (hereafter referred to as the Region).

(1) Each incorporated city within the Region shall establish bus/carpool lanes on the major streets and highways over which it has ownership or control, according to the schedule in paragraph (b)(4)(v) of this section.

(2) Each county within the Region shall establish bus/carpool lanes on the major streets and highways within the Region over which it has ownership or control, according to the schedule in paragraph (b)(4)(v) of this section.

(3) The State of Arizona shall establish bus/carpool lanes on the major streets and highways within the Region over which it has ownership or control, according to the schedule in paragraph (b)(4)(v) of this section.

(4) Each of the governmental entities named in paragraph (b) of this section shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps which it will take to establish these bus/carpool lanes and to enforce the limitations on their use, with each schedule to include the following:

(i) Each major street and highway which will have bus/carpool lanes must be identified with a schedule for the establishment of the lanes.

(ii) If a major street or highway has four or more motor vehicle lanes in one direction, at least one of these lanes must be open only to buses (or buses and carpools) at all times. If only one lane is open to buses (or buses and carpools) at all times, a second lane must be open only to buses (or buses and carpools) from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m.

(iii) If a major street or highway has three motor vehicle lanes in one direction, at least one of these lanes must be open only to buses (or buses and carpools) from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m.

(iv) In unusual situations, a major street or highway, or a motor vehicle lane or segment thereof, may be exempt from these requirements if an approval of the exemption is obtained from the Administrator. The application for exemption shall not be submitted and will not be accepted after September 1, 1973. Special circumstances justifying the need for an exemption or modification (such as inappropriateness of use by buses, designation of bicycle lanes instead, or desire to allow bus/carpool lanes to be entered briefly by other vehicles for the

purpose of crossing a motor vehicle lane or making a right turn) must be given in detail with the application.

(v) Bus/carpool lanes must be prominently indicated by overhead signs at least once every mile, and at each intersection or entry ramp. Of the bus/carpool lane mileage for each of the governmental entities, 25 percent must be established and needed signs must be installed by March 1, 1974; 50 percent by June 1, 1974; 75 percent by September 1, 1974; and 100 percent by December 1, 1974.

(vi) Bus/carpool lanes must be prominently indicated by distinctive painted lines, pylons, or physical barriers.

(vii) A signed statement by the chief executive officer of each governmental entity or his designee shall identify the sources and amounts of funds for all projects.

(5) Buses shall have the right-of-way whenever changing lanes on major streets and highways with bus lanes. This shall take effect as each bus/carpool lane is established and identified.

(6) Buses shall be permitted to make left turns whether or not the intersection is posted for "No Left Turn" (except when a one-way street would be entered from the wrong direction). This shall take effect January 1, 1974.

(7) None of the governmental entities named in paragraph (b) of this section shall convert existing on-street parking spaces to use as motor vehicle lanes unless the effect will be to increase the number of bus/carpool lanes on the affected street beyond the number otherwise required by paragraph (b) of this section, or unless the effect will be to create a bicycle lane in place of the parking spaces.

(c) Failure to comply with any provisions of this section shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. With regard to compliance schedules, a governmental entity will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.139 Management of parking supply.

(a) Definitions:

(1) "Construction" means fabrication, erection, or installation of a parking facility, or any conversion of land to use as a parking facility.

(2) "Modification" means any change to a parking facility which increases the vehicle capacity of such facility.

(3) "Enlargement" means any physical change or addition to a parking facility which increases the vehicle capacity of such facility.

(4) "Commenced" means that an owner or operator has undertaken a continuous program of construction, modification, or enlargement.

(5) "Parking facility" (also called "facility") means any facility, building, structure, or lot or portion thereof used primarily for temporary storage of motor vehicles.

(b) This regulation is applicable in the Phoenix-Tucson Intrastate Air Quality Control Region (hereafter referred to as the Region).

(c) No person, after August 15, 1973 shall commence construction of any new parking facility or modification or enlargement of any existing parking facility until he has first received from the Administrator or from an agency approved by the Administrator a permit stating the construction, modification or enlargement of such facility will not interfere with the attainment or maintenance of applicable Federal air quality standards.

(d) In order for any agency to be approved by the Administrator for purposes of issuing permits for construction of any new parking facility or any modification or enlargement of any existing parking facility, such agency shall demonstrate to the satisfaction of the Administrator that:

(1) Requirements for permit applications and issuance have been established. Such requirements shall include, but not be limited to, a requirement that before a permit may be issued, the following findings of fact or factually supported projections must be made:

(i) The location of the facility.

(ii) The total motor vehicle capacity before and after the construction, modification, or enlargement of the facility.

(iii) The normal hours of operation of the facility and the enterprises and activities which it serves.

(iv) The number of people using or engaging in any enterprises or activities which the facility will serve.

(v) The number of motor vehicles using the facility on an average hourly basis and a peak hour basis.

(vi) A projection of the geographic areas in the community from which people and motor vehicles will be drawn to the facility. Such projections shall include data concerning the availability of public transit from such areas.

(2) Criteria for issuance of permits have been established and published. Such criteria shall include, but shall not be limited to:

(i) Full consideration of all facts contained in the application.

(ii) Provisions that no permit shall be issued if such permit will result in the increase of VMT within any area, the air quality of which fails to meet applicable Federal air quality standards.

(3) Agency procedures provide that no permit for the construction, enlargement or modification of a parking facility covered by this section shall be issued without notice and opportunity for public hearing. The public hearing may be of the legislative type; the notice shall conform to the requirements of § Part 51.4 (b) of this chapter; and the Agency rules of procedure may provide that if no notice of intent to participate in the hearing is received from any member of the public (other than the applicant) prior to 7 days before the scheduled hearing date, no hearing need be held. If notice of intent to participate is required, that fact shall be noted prominently in the required notice of hearing.

§ 52.140 Limitation of public parking.

(a) The term "off-street parking facility" means any land or building or portion of a building set aside for the purpose of storing a maximum capacity of 10 or more vehicles on a temporary basis.

(b) Each governmental entity or public agency owning or operating an off-street parking facility located within the Phoenix-Tucson Intrastate Air Quality Control Region shall, by October 1, 1973, report to the Administrator the number of parking spaces in each such facility under its ownership or control. The number used solely for the storage of vehicles of persons who reside within ¼ mile of the facility shall not be counted.

(c) Each such owner or operator of any off-street parking facility located within the area specified in paragraph (b) of this section shall reduce the number of affected parking spaces in each such facility from the number in existence as of October 1, 1973, according to the following schedule:

By January 31, 1974—a reduction of 5 percent
By July 31, 1974—a reduction of 10 percent
By December 31, 1974—a reduction of 15 percent
By April 30, 1975—a reduction of 20 percent

(d) Each such owner or operator of an off-street parking facility subject to the requirements of paragraph (c) of this section shall submit to the Administrator, no later than October 31, 1973, a detailed compliance schedule showing the steps it will take to achieve the required reduction in parking spaces. Such schedule shall provide for the marking in some manner obvious to the public (such as painting over, roping off, or the like) of the eliminated spaces on which parking is not permitted pursuant to this section.

(e) Failure to submit a compliance schedule as required by this section shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act. Any owner or operator of an off-street parking facility who allows any vehicle to be parked on any parking space which has been eliminated pursuant to this section, or who fails to mark clearly those spaces which have been eliminated, shall likewise be in violation and subject to enforcement.

§ 52.141 Motorcycle limitation program.

(a) Definitions:

(1) "Motorcycle" means any self-propelled two or three-wheeled motor vehicle capable of carrying one or more persons.

(2) "Registration" means the action of a State allowing a vehicle to be operated on the streets and highways in that State during a defined period of time.

(3) "Registration period" means that period of time for which a vehicle is allowed to be used within the State.

(b) This section is applicable in the Phoenix-Tucson Intrastate Air Quality Control Region (hereafter referred to as the Region).

(c) As of January 1, 1975, or during any registration period which commences in the calendar year 1975, the State of Arizona shall not register in the Region more motorcycles than the total number of motorcycles projected for that period based on ordinary growth trends in the period 1971–1974. This requirement shall remain in effect until July 1, 1977.

(d) After July 1, 1974, no person shall operate on the streets and highways of the State within the Region any motorcycle which is not validly registered by the State of Arizona or by another State.

(e) No later than October 1, 1973, the State shall submit a detailed compliance schedule showing the steps it will take to implement and enforce these requirements, and the text of needed statutory proposals and needed regulations which it will propose for adoption. Each schedule shall also include the following:

(1) A date by which the State will adopt procedures necessary to limit the number of motorcycles registered as required by paragraph (c) of this section.

(2) Proposed procedures to ensure that no motorcycle will be registered by the State in a county other than that of the owner's legal residence.

(3) A date by which such procedures will go into effect. Such date shall be no later than July 1, 1974.

(f) Failure to comply with any provisions of this section shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. With regard to compliance schedules, the State will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.142 Oxidizing catalyst retrofit.

(a) Definitions:

(1) "Oxidizing catalyst" means a device installed in the exhaust system of the vehicle that utilizes a catalyst and, if necessary, an air pump to reduce emissions of hydrocarbons and carbon monoxide from that vehicle.

(2) All other terms used in this section which are defined in Part 51, Appendix N of this chapter, are used herein with the meanings so defined.

(b) This section is applicable to the Phoenix-Tucson Intrastate Air Quality Control Region.

(c) The State of Arizona shall establish a retrofit program to ensure that on or before May 1, 1977, gasoline-powered light-duty vehicles of model years 1968 through 1974, subject under presently existing legal requirements to registration in the area defined in paragraph (b) of this section, are equipped with an appropriate oxidizing catalyst retrofit device. No later than October 30, 1974, the State shall submit legally adopted regulations to EPA establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving such devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of subparagraph (3) of this paragraph are enforced.

(3) A provision that starting no later than May 31, 1976, the State of Arizona shall require those light-duty vehicles of 1974 model year and earlier which are able to operate on 91 RON (research octane number) gasoline to be retrofitted with an oxidizing catalytic converter. The installation shall be completed by May 31, 1977.

(4) A method and proposed procedures for ensuring that those installing the retrofits have the training and ability to perform the needed tasks satisfactorily and will have an adequate supply of retrofit components.

(d) After June 1, 1977, the State shall not register or allow to operate on its streets or highways any light-duty vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(e) After June 1, 1977, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle which does not comply with the applicable standards and procedures implementing this section.

(f) The State of Arizona shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to paragraph (c) of this section, including the text of needed statutory proposals and needed regulations which it will propose for adoption. The compliance schedule shall also include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1975.

(g) Failure to comply with any provisions of this section shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. A State will be considered to have failed to comply with the requirements of this regulation if its fails to timely submit the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.143 Air bleed to intake manifold retrofit.

(a) Definitions:

(1) The term "air bleed to intake manifold retrofit" as used in this section means a device in the intake system of the vehicle which enables the air/fuel ratio to be increased by metering additional air to the intake manifold in accordance with intake manifold vacuum advance to reduce emissions of hydrocarbons and carbon monoxide to the atmosphere.

(2) All other terms used in this section which are defined in Part 51, Appendix N of this section, are used herein with the meanings so defined.

(b) This section is applicable in the Phoenix-Tucson Intrastate Air Quality Control Region.

(c) The State of Arizona shall establish a retrofit program to ensure that on or before June 30, 1976, all gasoline-powered light-duty vehicles of model years prior to 1968, subject under presently existing legal requirements to registration in the area defined in paragraph (b) of this section, are equipped with an appropriate air bleed to intake manifold device. No later than March 1, 1974, the State shall submit legally adopted regulations to EPA establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving such devices for use on vehicles subject to this section.

(2) Designation of any agency responsible for ensuring that the provisions of paragraph (c)(4) of this section are enforced.

(3) Provisions for beginning the installation of the air bleed devices by July 1, 1975, and installation of the devices on all vehicles subject to this section no later than June 30, 1976.

(4) A provision that starting no later than June 30, 1975, no vehicle of which retrofit is required under this section passes the annual emission tests provided for by § 52.137 unless it has been first equipped with an approved air bleed to intake manifold device which the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

(5) Method and proposed procedures for ensuring that those installing the retrofit devices have the training and ability to perform the needed tasks satisfactorily and will have an adequate supply of retrofit components.

(d) After June 30, 1976, the State shall not register or allow to operate on its streets or highways any light-duty vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(e) After June 30, 1976, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle which does not comply with the applicable standards and procedures implementing this section.

(f) The State of Arizona shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to paragraph (c) of this section, including the text of statutory proposals and regulations which the State proposes for adoption.

The compliance schedules shall also include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1974.

(g) Failure to comply with any provision of this section shall render each person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act. A State will be considered to have failed to comply with the requirements of this regulation if it fails to timely submit the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.144 Bus/carpool computer matching system.

(a) Definitions:

(1) "Bus/carpool matching" means assembling lists of commuters sharing similar travel needs. The number of commuters on each list identifies potential bus/carpools.

(2) "Time-origin-destination (TOD) information" means information that identifies a commuter's work schedule, home and work location.

(3) All other terms used in this section which are defined in Part 51, Appendix N, of this chapter, are used herein with the meanings so defined.

(b) This section is applicable in the Phoenix-Tucson Intrastate Air Quality Control Region (hereafter referred to as the Region).

(c) Beginning March 1, 1974, the State of Arizona shall establish a computer-aided bus/carpool matching system which is conveniently available to all employees in businesses having more than 10 employees within the Region who operate light-duty vehicles on streets or highways over which it has ownership or control. No later than December 1, 1973, the State shall submit legally adopted regulations to EPA establishing such a system. The regulations shall include:

(1) A method of collecting information which will include the following as a minimum:

(i) Provisions for each affected employee receiving an application form with a cover letter describing the matching program.

(ii) Provisions on each application for applicant identification of time, origin, and destination, and the applicant's desire to drive only, ride only, or share driving.

(2) A computer method of matching information that will have provisions for locating each applicant's origin and destination within a grid system in the urban area and semi-rural region surrounding the Phoenix and Tucson metropolitan areas and matching applicants with identical origin and destination grids and compatible work schedules.

(3) A method for providing continuing service such that the master list of all applicants is retained and available for use by new applicants; applications are currently available; and the master list is periodically updated to remove applicants who have moved from the area served.

(4) An agency or agencies responsible for operating, overseeing and maintaining the bus/carpool computer matching system.

(d) Failure to comply with any provisions of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act.

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[40 CFR Part 52]

CALIFORNIA

Approval and Promulgation of Implementation Plans

This notice of proposed rulemaking sets forth transportation control plans for the following California Intrastate Regions (hereafter referred to also as Regions): San Francisco Bay Area, Sacramento Valley, San Diego, San Joaquin Valley, and Southeast Desert. A Federally proposed plan for the Los Angeles Intrastate Region was announced on January 15, 1973, and a revision of that plan was announced on June 15, 1973.

BACKGROUND

On May 31, 1972, the State of California was granted, pursuant to section 110(e) of the Act, an extension of 2 years for the attainment of the national standards for photochemical oxidants (hydrocarbons) in the San Francisco Bay Area, Sacramento Valley, and Southeast Desert Intrastate regions and for carbon monoxide in the Sacramento Valley Intrastate Region.

In accordance with the court decision on the NRDC v. EPA suit, this extension was rescinded and California was directed to submit a transportation strategy by April 15, 1973, that would provide for the attainment and maintenance of the standards as noted above by May 31, 1975. The court required each of the states that had originally been given an extension of time for submitting transportation control plans to submit such a plan by April 15, 1973, for each region that required it, and required the Administrator to approve or disapprove such plans by June 15, 1973. The court also ordered each of the 2-year extensions that had been granted for achieving the standards for automobile-related pollutants in these regions to be rescinded, with the proviso that they could be granted again if, on reexamination, EPA concluded that each of the statutory tests had been met.

In addition, California was directed to submit a transportation strategy for photochemical oxidants (hydrocarbon) in the San Diego and San Joaquin Valley Intrastate Regions and for carbon monoxide in the San Francisco Bay Area, San Diego, and San Joaquin Valley Intrastate Regions. The Administrator disapproved those portions of the California plan that were required to be submitted. That disapproval was announced on June 15, 1973, and published in the FEDERAL REGISTER on June 22, 1973. The disapproval was based solely upon the lack of timely submittal of California's plan. The Environmental Protection Agency, will, when the plan is received, acknowledge its receipt in the FEDERAL REGISTER and will provide opportunity for the public to comment on the plan. After evaluation of the plan that is to be submitted by the State and consideration of all comments, this notice of proposed rule making will be revised accordingly. A transportation control plan will be promulgated by the Administrator if the State fails to submit its own plan. Upon submission of an acceptable plan by the State, the EPA plan, or portions thereof, will be rescinded.

SUMMARY

Studies available to the Administrator at present indicate that a significant reduction of reactive hydrocarbons will have to occur in all regions covered by this proposal if the ambient air quality standards for photochemical oxidants are to be attained. In all cases, the controls proposed will affect the required reduction in reactive hydrocarbons; attainment of the oxidant standards will ensure attainment of the carbon monoxide and nitrogen oxide standards as well.

The proposed control measures reflect what EPA considers to be the most feasible approach for meeting the national standards in each region. However, these measures are subject to change prior to promulgation as a result of written comments, testimony presented at the public hearings, or further study conducted by EPA.

Much of the reduction in photochemical oxidant levels will result from measures submitted by the State and already approved, but these measures are not enough to meet the standards. The Administrator has concluded that an extension of the deadline for achieving the standards to 1977 under section 110(e) of the Act is justified because the necessary technology or other alternatives are not available and will not be available soon enough to permit full compliance. The extension applies to all Regions covered by this proposal for photochemical oxidants and for carbon monoxide. In reaching this conclusion, the Agency has considered, and applied as part of its plan, reasonably available alternative means of attaining the primary standard.

The plan set forth herein provides for the application of the requirements to all emission sources other than motor vehicles not later than May 31, 1975, as required by section 110(e)(2)(A), and provides for the application of reasonable interim measures for control of motor vehicle emissions prior to 1977.

Most of the plan utilizes reasonable and apparently available means of reducing photochemical oxidants, carbon monoxide, and nitrogen dioxide, including requirements for establishing bus and car-pool lanes on freeways and major streets. Other measures, to be required prior to 1975 in most cases, include: reductions in off-street public parking; limits on the construction of additional parking facilities; limitations on motorcycles; mandatory inspection and maintenance of light-duty vehicles; and the prevention of further increases in gasoline consumption.

Portions of the plan utilize measures which appear reasonable but do not appear to be applicable by 1975 because of technical problems related to devices such as catalytic retrofits. These measures will be required beginning in 1976, with full implementation to be achieved by 1977; they will be required earlier if they become available. Even if all the reasonable measures mentioned above are imposed, it is possible that the national standards for photochemical oxidants will not be met in the Regions by 1977 except in the San Joaquin Valley. Under the Clean Air Act, the Agency has no choice but to include in the plan a measure which can achieve the standards by 1977 even if it appears impractical and unworkable. Consequently gasoline limitations of whatever degree necessary have been included for 1977. If implemented, these limitations would achieve the standards for photochemical oxidants; however, the Agency will utilize every means available to avoid imposing impractical measures in order to meet the standards by 1977. It should be noted that grounds for a 1-year extension of the compliance date for certain sources under section 110(f) of the Clean Air Act may arise so that certain requirements of this plan may not be imposed until May 31, 1978.

Need for Mass Transit

The development of large-scale mass transit facilities in each Region is essential to any effort to reduce automotive pollution. The planning, acquisition, and operation of mass transit systems is and should remain a local responsibility. However, the automobile problem does not follow the boundaries of counties or cities. Current planning and operating agencies for mass transit do not appear to have sufficient authority to provide for adequate public transit with the notable exception of the San Francisco Bay Area's Metropolitan Transportation Commission. Consequently, the Environmental Protection Agency strongly endorses the concept of a region-wide transportation planning and operating authority.

The Agency also actively encourages the immediate large-scale purchase of additional public transportation facilities, specifically, additional buses, and encourages further examination of the feasibility of rail transit. To create conditions conducive to rapid bus transit, several of the measures in this plan give preferential treatment to buses. The Agency also encourages close examination of such measures as fare reductions; provision of jitney service; provision of more minibuses; fringe parking lots for buses and car pools; special parking privileges for car pools; on-street parking prohibition for nonresidents; State taxes to encourage reductions in vehicle miles of travel (VMT) while raising revenue to benefit mass transit; provisions for establishment of additional bicycle lanes throughout the metropolitan areas such as this proposal sets forth; and provisions for free bus tokens in place of free parking privileges.

State and Local Implementation of Control Measures

In order to preserve the intent of the Clean Air Act that pollution problems be dealt with primarily at the local level, the Agency will require State and local governments to take action wherever possible, and will not involve the Federal Government in the administration of local programs or in direct enforcement against individual citizens. Requirements of this sort are proposed with regard to expansion of a State motor vehicle retrofit program and establishment of bicycle lanes, bus/car-pool lanes, motorcycle control, public parking facilities, inspection/maintenance programs and gas limitations. Appropriate governmental entities will be required to submit compliance schedules for these programs with complete details on their implementation.

If the State submits adequate control measures in any of these areas or substitute control measures which will achieve comparable reductions in pollution, then the Administrator can approve the State's measures rather than promulgating his own. However, the requirements to submit adequate compliance schedules and take other actions will be enforced on a timely basis if the Agency's measures are promulgated. Therefore, it is suggested that plans to comply with these measures not be delayed.

Proposed Mobile Source Controls

Moderate VMT reductions

EPA is proposing moderate VMT reduction measures in several regions to facilitate achievement of the standards.

The information available is incomplete. It is as true today as it was a year ago that, "states have had practically no experience with transportation control measures as a means of dealing with air quality problems." Nobody really knows what the public response to significant measures to reduce VMT will be. The studies that have been made on this point are inadequate and necessarily hypothetical until the measures have actually been put into effect. In addition, public attitudes in major urban areas appear to be changing and becoming less favorable to the continued use of automobiles on the present scale. Finally, even the question of the ability of different modes of transportation to accommodate the passengers diverted from automobiles as a result of significant VMT reductions will vary greatly with the individual region. No firm projection of what alternative transportation is available can be made without a detailed traffic study of each individual region, and, for the most part, such studies have not been made.

It is clear, however, that the authors of the Clean Air Act Amendments of 1970 anticipated that substantial VMT reductions might be necessary to achieve the standards. The Senate Report on the Act states that until the vehicle population is largely made up of cars that meet the 1975–76 standards, "as much as seventy-five percent of the traffic may have to be restricted in certain large metropolitan areas if health standards are to be achieved within the time required by this bill." It is also clear from the January 31, 1973, court of appeals opinion that if VMT reduction measures are "reasonably available" by 1975, and if the standards cannot be achieved without them, they must be put into effect. Consequently, it is proposed that the continuing growth in VMT within the air quality control regions covered by this proposal be stopped by limiting the continued growth in gasoline consumption. Gasoline consumption has been increasing by approximately 4.5 percent per year throughout the State of California. It is proposed that distributors not be permitted to deliver to retail outlets any more gasoline than is distributed during the period of July 1972 through June 1973. No rationing requirement will be placed on individual motorists unless the State of California chooses to do so.

Against this background, EPA has reexamined the question of VMT reduction and has arrived at some conclusions which have influenced the actions being taken. Comment on these is invited, both generally and with respect to specific regions. No significant reduction in the use of private automobiles can be expected to result from measures to increase the attractiveness of other means of transportation, such as buying more buses and improving bus service, building bicycle paths, and, in the long run, building new rail rapid transit systems. Reductions in VMT can only be assured through the use of some form of restraint on or disincentives to vehicle use.

A measure cannot be considered "reasonably available," however, if implementing it would cause severe economic and social disruption. Although some reduction in personal travel could certainly be absorbed without this result, to achieve a significant VMT reduction it will be necessary for the bulk of the travel displaced from single-passenger automobiles to be absorbed by such other modes of transportation as car pools, walking, bicycling, or public transit.

The only significant expansion of public transit facilities that can be accomplished by 1975 is the upgrading and physical expansion of bus services. Much,

however, can be done in this regard. Scheduling and service can be improved and optimized. Individual lanes of freeways and other major roads can be set aside for the exclusive use of buses and/or car pools. Significant numbers of new buses can be purchased and put into service by 1975. According to Department of Transportation figures, 2,500 transit buses were sold in this country in 1972, but the transit industry's production capacity is estimated to be more than 6,000 buses a year by 1975. Financial assistance from the Department of Transportation will be available to most communities for improving public transit facilities.

In the California Regions, sufficient alternative transportation capacity is presently or potentially available by 1975 to make reasonable VMT reductions (on the order of 10 to 15 percent) available by 1975. In part, this capacity is contained in present mass transit facilities, or can be created through the expansion of bus service as outlined above. It is also a possibility that many short trips now made by car could be made by bicycle or walking. Car pooling, however, may be the only strategy for reducing VMT which is both implementable by 1975 and capable of substantially reducing emissions without restricting personal mobility. Private automobiles, which are designed to carry four to six persons, carry an average of one and one-half persons per trip in major urban areas, and thus represent the largest unused pool of transportation capacity currently available.

EPA cannot directly require the use of car pools. It can be expected, however, that as measures to make the use of private automobiles less convenient are imposed, increased reliance on car pools will develop naturally as a matter of private initiative. It is proposed herein that the State provide a bus- and car-pool computer matching system to assist employees in establishing bus and car pools.

The measure proposed herein will require conversion of some lanes on major streets and highways for the exclusive use of buses and car pools, and it is expected that such a widespread network of bus/car-pool lanes will provide substantial incentive for use of buses and car pools while making private vehicle travel by single drivers relatively less attractive. Identification of specific lanes is expected to be made at the local level under the overall requirements herein. Exceptions to or modifications of the broad requirements will be approved when specifically justified since it will take some time before sufficient buses are available to carry the passengers currently traveling these lanes in private cars. These proposed regulations would permit the use of the lanes by car pools with three or more persons in the vehicle.

Due to the very high pollution potential of the 2-stroke motorcycles, the regulations herein proposed essentially ban the use of such vehicles during daylight hours in the summer smog season. The average 2-stroke motorcycle emits approximately 31 times as much exhaust hydrocarbons per mile as will a new California 1975 automobile. Consequently, prevention of increases in the number of motorcycles is proposed to prevent counter-productive shifts from automobiles to motorcycles as a result of other elements of the control strategy. The Agency will evaluate the feasibility of establishing emission standards for new motorcycles and will evaluate the availability of motorcycle emission control technology, including retrofits, for meeting emission standards.

Governmental entities will be required to reduce the number of parking spaces in publicly owned off-street parking facilities in an effort to reduce the number of low-occupancy private vehicles entering the central business districts and other congested areas and to promote voluntary car-pooling and the use of bus transit. Comment is invited on the possibility of extending this control to privately owned parking facilities, either by outright reduction in spaces or by imposing regulatory fees.

INSPECTION AND MAINTENANCE PROGRAMS

Considerable reductions in motor vehicle emissions can be achieved by requiring all vehicles in an area to be tested annually for emissions, by failing those emitting pollutants that exceed a certain level, and by requiring maintenance on those which fail in order to bring them into compliance. This process is called "inspection and maintenance" throughout this proposal.

Three different types of tests are possible. The car can be tested while running in gear on a treadmill-like device called a "dynamometer" (a "loaded test"); it can be tested while running in neutral (an "idle test"); or certain emission-related engine components can simply be examined to make sure they are in good working order ("parameter" inspection). A loaded test is the most effective and most expensive; parameter inspection is the least effective and least expensive. Since an inspection and maintenance program cannot be expected to achieve maximum effectiveness in reducing emissions unless a loaded test is adopted, EPA is proposing its adoption.

The State of California is proceeding with a loaded mode inspection system which will result in emission reductions. The proposal herein will require that this inspection system be expanded to require mandatory inspection and maintenance of all light-duty motor vehicles in Regions covered by this proposal. The inspection and maintenance program which the State is currently evaluating and proposing will be applicable to the Los Angeles Intrastate Region only.

RETROFITS

Until recently, much of the discussion of transportation control strategies centered on whether it was feasible to require the installation ("retrofit") of additional pollution control devices on motor vehicles currently in use. The most controversial of these devices has been the catalytic converter.

In his decision of April 11, 1973, to suspend the 1975 automobile emission standards for 1 year, the Administrator concluded that the problems involved in attempting to scale-up production of catalytic converters for new cars from near zero to 10 million units in a single model year, combined with the problem of adapting assembly lines to do this work, would probably result in economic dislocation if catalytic retrofits were required. The problems that would be encountered in any attempt to retrofit large numbers of existing vehicles with catalytic mufflers by mid-1975 are far more formidable than those generated by the attempt to put them on new cars.

Far less developmental work has been done on catalytic retrofits than on catalysts for new cars. The construction of production facilities for new-car catalysts has been largely funded by the major auto companies under requirements contracts; no such support has been available where retrofits are concerned. Finally, and most important of all, new-car catalysts would be installed by a few major companies through addition of another process to their assembly lines. To retrofit large numbers of in-use cars, it would be necessary to get them off the road into many different repair shops and to train a considerable number of mechanics how to install the catalysts once the cars had been made ready to receive them. In light of these difficulties, it is unrealistic to expect that significant progress toward the catalytic retrofit of large numbers of cars can be made by May 31, 1975. Accordingly, EPA is not proposing the retrofit of any vehicles with catalytic mufflers prior to 1975.

Cars with catalysts must be run on lead-free gasoline if the catalyst is to retain its efficiency. Current EPA regulations set forth on January 10, 1973 (38 FR 1254), provide for such gasoline to be made generally available by the beginning of the 1975 model year, but only in a relatively low octane. It is not anticipated that higher octane gasoline with the extremely low lead levels that catalysts require will be generally available by 1977 even if EPA decides that lead in gasoline is a health hazard and should be phased out. Accordingly, it will only be feasible to retrofit catalysts on certain model year cars, since only these models have been designed to run on low-octane gasoline. Catalytic converters would be required in 1976–1977 for many pre-1975 vehicles. It cannot be concluded at present that the technology for retrofit converters has developed to the point that they could be installed effectively by 1975. However, the Agency will monitor the status of development of this technology and will accelerate the date if feasible.

It is proposed that the California nitrogen oxide reduction device program for used cars be expanded. This device consists of a vacuum spark advance disconnect and/or an exhaust gas recirculation system.

This regulation requires application of the State's present program for 1955–1965 model year vehicles to the Sacra-

mento and San Joaquin Regions. The current State program exempts these regions from this retrofit program.

STATIONARY SOURCE CONTROLS

Even though in most of the regions covered by this proposal the automobile is by far the major source of hydrocarbon and carbon monoxide emissions, substantial amounts are also emitted by both major and minor stationary sources. Major sources include oil and gasoline storage facilities and refineries; minor sources, which may be important factors in air pollution because of their numbers, include dry-cleaning shops, gas stations, incinerators, and any place where solvent-based paints are used.

EPA looked first to the reductions that might be achieved by further control of stationary sources for a variety of reasons. The nature of the controls available, their cost, and their effectiveness are relatively well known, and both States and EPA have had significant experience in enforcing similar measures. It can be predicted with confidence that none of these measures will cause any noticeable economic or social disruption. Since almost without exception they will be limited to requiring commercial enterprises to make investments or changes in their modes of operation, the only effect is likely to be some rise in the price of the goods or services produced by the affected enterprises.

Regulations are herein proposed to further limit emissions from stationary sources. They include requiring installation of vapor recovery systems at gasoline stations (the San Francisco Bay Area and San Diego Regions already have such a regulation and therefore no such proposal is made for these areas); additional control of dry-cleaning emissions; elimination of certain industrial solvent compounds; improved control on painting operation solvent loss; and additional restrictions on the loss of organic solvents in general industrial use. The Federal regulations dealing with the development by the State of a "complex source" review procedure were promulgated June 11, 1973, by the Environmental Protection Agency. These regulations provide guidelines on the procedure by which the State must review the construction permits of such indirect emission sources as shopping centers, housing complexes, and sports arenas, which in themselves are not major sources of pollution but tend to increase the amount of vehicle traffic in areas where they are located, and therefore cause an increase in motor vehicle related emissions. The review procedure developed by the State must be submitted to the Environmental Protection Agency by August 15, 1973, for approval. This point source review currently being done by some local districts and the Environmental Protection Agency should further reduce growth-induced emissions.

CONTROL STRATEGY FOR THE SAN FRANCISCO BAY INTRASTATE AIR QUALITY CONTROL REGION

The San Francisco Bay Intrastate Region is comprised of all of seven counties, namely Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, and Napa, and portions of two others, southwestern Solano and southern Sonoma. Geographically, the region covers approximately 5,600 square miles and has within its bounds approximately 4.6 million people and 2.7 million motor vehicles. Air pollution control in the region falls under the jurisdiction of the Bay Area Air Pollution Control District created by the California Legislature in 1955. During 1971, the Region experienced numerous violations of both Federal and State air quality standards. Based upon a linear rollback model and a maximum 1-hour oxidant reading at San Leandro of 0.36 ppm, a 78 percent reduction in reactive hydrocarbon emissions is required a achieve the ambient air quality standards for photochemical oxidants. Of the total emissions in the Region, 58 percent of the hydrocarbons, 70 percent of the nitrogen oxides, and 96 percent of the carbon monoxide emissions come from mobile sources. Although mobile sources presently account for the majority of the emissions, their control alone will not be sufficient to allow for attainment of national ambient air quality standards. Table I below shows the impact the proposed measures will have on the total emissions in the Region.

TABLE I—SUMMARY OF IMPACT OF CONTROL STRATEGIES IN SAN FRANCISCO BAY REGION IN 1977

Source of pollutant and control measures	*Emissions and reductions, tons/day of reactive hydrocarbons*
Stationary source emissions without control strategy.	225
Expected reductions	
1. Gasoline marketing vapor recovery.	—138
2. Surface coating improvements	—23
3. Dry-cleaning controls	—4
4. Degreasing controls	—10
Stationary source emissions remaining	50
Mobile source emissions without proposed control strategy.	201
Expected reductions	
1. Light-duty motor vehicle inspection and maintenance and catalytic converter retrofit.	—38
2. Motorcycle controls	—17
3. Reduction in private automobile use (20%).	—17
Mobile emissions remaining	129
Gasoline reduction (additional 64% VMT reduction).	—54
Total emissions remaining	125
Allowable emissions to attain standards.	125

Studies available to EPA indicate that a VMT reduction on the order of 20 percent can be achieved by means other than gas rationing. The remainder of the VMT reduction needed will be achieved through gas rationing.

It is hoped that in the process of developing a regional transportation plan, the Metropolitan Transportation Commission will be able to determine the effect of their plan upon the air quality generally, and specifically, upon the miles traveled by automobiles.

SOUTHEAST DESERT INTRASTATE AIR QUALITY CONTROL REGION CONTROL STRATEGY

The Southeast Desert Intrastate Region, also known as the Southeast Desert Air Basin, is located in the southeast portion of the State of California. It is comprised of all of Imperial County and the eastern portions of San Bernardino, Riverside, Kern, Los Angeles, and San Diego Counties. Geographically, this Region covers 33,600 square miles and is separated from the coastal regions by a series of mountain ranges. Elevations vary from 235 feet below sea level to 11,000 feet above sea level.

Air quality monitoring stations in the Region, in particular, those in the Coachella Valley, record photochemical oxidant levels up to five times the national ambient air quality standards. The overall 1971 maximum readings in the Region are 0.38 part per million oxidants (recorded in Palm Springs) and 17 parts per million carbon monoxide (recorded in Indio). Using simple rollback and assuming a linear relationship between reactive hydrocarbons and oxidant concentrations, the reductions required to achieve the national standards are 70 percent of the reactive hydrocarbons and 47 percent of the carbon monoxide.

There are significant data which support the hypothesis that air pollution from the Metropolitan Los Angeles Intrastate Region is transported to and contributes substantially to high oxidant levels in the desert areas east of Los Angeles. It is expected that the emission controls proposed by the Administrator, in addition to State and local emission controls for the Metropolitan Los Angeles Region will provide for attainment of the carbon monoxide and photochemical oxidant standards in the Southeast Desert Region by July 1977. Any delay experienced in attaining the oxidant and carbon monoxide standards in the Los Angeles Region will cause a corresponding delay in attainment of the standards in the Southeast Desert Region.

A discussion of studies relating the air quality in the Southeast Desert Region to that in the Los Angeles Region can be found in "Development of Emission Control Strategies for Reducing the Air Pollution in Critical California Air Quality Control Regions," prepared under contract for the Environmental Protection Agency and available from the EPA Region IX office at 100 California Street, San Francisco, California 94111.

Because of the dependence of air quality in the Southeast Desert Region upon that in the Los Angeles Region, and because of the very small impact that emissions in the Southeast Desert Region have upon air quality there, no transportation controls are proposed for this Region.

TRANSPORTATION CONTROL STRATEGY FOR SACRAMENTO VALLEY INTRASTATE AIR QUALITY CONTROL REGION

The Sacramento Valley Intrastate Region, also known as the Sacramento Valley Air Basin, lies in the center of Northern California, bounded on the west by the Coast Range, on the north and east by the Cascade Range and the Sierra-Nevada Range, and on the south by the San Joaquin Valley. This Region is comprised of portions of 15 counties. Geographically, the Region consists of 21,300 square miles, 1.2 million people, and

840,000 motor vehicles. Air pollution control in the Region falls under the jurisdiction of the local air pollution control districts.

TABLE II—SUMMARY OF IMPACT OF CONTROL STRATEGIES IN SACRAMENTO "REGIONAL AREA" IN 1977

Source of pollutant and control measures	Emissions and of reactive tons/day reductions, hydrocarbons
control strategy	40.6
Expected reductions	
1. Gasoline marketing vapor recovery	−26.0
2. Surface coating improvements	−1.1
3. Dry-cleaning controls	−0.7
4. Degreasing controls	−1.9
5. State limitations on burning	2.1
Stationary emissions remaining	8.8
Mobile source emissions without proposed control strategy	54.1
Expected reductions	
1. Catalyst retrofit	−5.2
2. Inspection/maintenance program	−4.1
3. Motorcycle controls	−5.9
4. Reduction in private auto use (20%)	−5.2
5. Vacuum spark advance program	−1.0
Mobile emissions remaining	32.7
Gasoline reduction (additional 29% VMT reduction)	−7.5
Total emissions remaining	34.0
Allowable emissions to attain standards for photochemical oxidants	34.5

As in the rest of the State, the local and regional organizations deal primarily with stationary source controls, leaving mobile source controls to the California Air Resources Board.

During the period 1970 to 1972, the Sacramento Valley Region experienced numerous violations of both Federal and State air quality standards. Photochemical oxidants are the predominant problem, and it appears from the limited data evaluated that the problem has increased in recent years, both in number of violations which occur and the maximum oxidant level experienced. Based on a 1-hour maximum oxidant reading during 1971 in Sacramento of 0.24 ppm and using a proportional rollback model, a 67 percent reduction in reactive hydrocarbons would be required to meet the national ambient air quality standards for oxidants. The annual arithmetic means for NO_x from 1963 to 1971 show that the NO_x standard has never been exceeded within the given time period. In Sacramento County, mobile sources account for 71 percent of the hydrocarbon, 89 percent of the nitrogen oxides, and 88 percent of the carbon monoxide. Since the air quality levels are most severe for Sacramento County, it appears appropriate to attempt to solve the airshed problem by developing a control strategy specifically for Sacramento County and its immediate vicinity. In the Sacramento Valley and San Joaquin Valley Regions, vast areas are sparsely populated but others are highly urbanized and have high emission densities in comparison with the rural areas.

The Agency has therefore determined that it is appropriate to reduce emissions from the urbanized areas which experience the high pollution levels. The Sacramento Region has been redefined to include only the 6 counties in the immediate vicinity of the City of Sacramento in an area which roughly approximates the Sacramento Regional Area Planning Commission. The following table summarizes the effects of the proposed control strategies. On the basis of very limited current information, no more than 20 percent VMT reduction could be expected to occur under the proposed VMT reduction measures. The remainder of the VMT reduction needed will be achieved through gasoline rationing.

TRANSPORTATION CONTROL STRATEGY FOR SAN JOAQUIN VALLEY INTRASTATE AIR QUALITY CONTROL REGION

The San Joaquin Valley Intrastate Region, also known as the San Joaquin Air Basin, consists of all of the Counties of Amador, Calaveras, Fresno, Kings, Madera, Mariposa, Merced, San Joaquin, Stanislaus, Tulare, and Tuolumne, and the western portion of Kern County. This Region lies in the southern portion of the Great Valley and extends into the neighboring mountain slopes. It is bounded on the west by the Coastal Range, on the east and south by the Sierra-Nevada and Tehachapi Mountains, respectively, and on the north by the Sacramento Valley Intrastate Region. The Region includes 30,200 square miles of land area and had a population of over 1.6 million people in 1970, which is a 16 percent increase since 1960. Although it contains 19 percent of the State's land area, the Region has only 8 percent of the State's population. National ambient air quality standards have been exceeded in seven cities in the San Joaquin Valley Region: Stockton, Fresno, Bakersfield, Modesto, Visalia, Parlier, and Five Point. Each of the areas surrounding the cities have unique characteristics with regard to air quality, meteorology, stationary sources, population distribution, and transportation. The transportation control strategy proposed herein recognizes this fact. A thorough analysis was made of Kern County (Bakersfield), Fresno County (Fresno), and San Joaquin County (Stockton). Insufficient data exist for an adequate analysis of Parlier and Five Point (both in Fresno County), but it is expected that the proposed transportation controls as applied to Fresno will be adequate for attainment of the national ambient air quality standards for photochemical oxidants in these two other cities as well.

The table below presents the maximum photochemical oxidant readings in the five counties of concern:

County	Maximum oxidant concentration, ppm
San Joaquin (Stockton)	0.20
Kern (Bakersfield)	0.22
Fresno (Fresno)	0.21
Tulare (Visalia)	0.19
Stanislaus (Modesto)	0.24

Reductions in emissions of reactive hydrocarbons of up to 65 percent (for Modesto) will be required in these counties by 1977 in order for the air quality standards to be met.

The table below shows the approximate effect that the proposed control strategies will have in Kern County.

TABLE III—SUMMARY OF IMPACT OF CONTROL STRATEGIES IN THE KERN COUNTY PORTION OF THE SAN JOAQUIN VALLEY REGION IN 1977

Source and control measures	Emissions and reductions of reactive hydrocarbons, tons/days
Stationary source emission without proposed control strategy.	11.3
Expected Reductions	
1. Vapor recovery at gasoline stations.	−5.8
2. Surface coating restrictions, dry-cleaning controls, and degreasing controls.	−0.7
Stationary source emissions remaining.	4.8
Mobile source emissions without the proposed control strategy.	21.4
Expected reductions	
1. Catalyst retrofit, expansion of State NO_x program, and mandatory inspection and maintenance.	−4.2
2. Motorcycle limitations	−2.5
3. Reduction in auto usage (23%)	−2.4
Mobile emissions remaining	12.3
Total emissions remaining	17.1
Allowable emissions for attainment of standards for photochemical oxidants.	17.2

As can be seen from the table for Kern County, a 23 percent VMT reduction is necessary by 1977 for attainment of the standards. In Stanislaus County, a similar situation exists, with a corresponding need for VMT reduction. In Fresno County, present studies indicate that a 16 percent VMT reduction by 1975 would provide for attainment of the standards, with a zero VMT reduction necessary for 1977. In San Joaquin County, a 32 percent VMT reduction is necessary in 1975 for attainment of the standards, but only 8 percent in 1977.

TRANSPORTATION CONTROL STRATEGY FOR SAN DIEGO INTRASTATE AIR QUALITY CONTROL REGION

The San Diego Intrastate Region, also known as the San Diego Air Basin, is located in the southwest corner of the State and consists of the western two-thirds of San Diego County. It is bounded on the east by the summit of the Peninsular Range, on the north by Orange County, on the south and west by Mexico and the Pacific Ocean, respectively. The airshed has a land area of approximately 3,040 square miles, and, as of 1970, a population of some 1.24 million people. It is estimated that the motor vehicle population in 1972 was approximately 715,000. The Region's population is concentrated primarily in the City of San Diego and in the incorporated areas along the coast. The mountainous terrain and frequent inversions hold in pollutants, and the southern California climate provides ample sunshine to aid in the formation of photochemical oxidants. The automobile is presently the dominant mode of transportation, and accounts for the majority of the hydrocarbon and carbon

monoxide emissions. Air pollution control in the Region is the local responsibility of the San Diego County Air Pollution Control District. Since the airshed is contained within one county, no additional regional coordinating council is required for stationary source controls. As in the rest of the State, mobile source emission controls are the responsibility of the California Air Resources Board.

The national ambient air quality standards for photochemical oxidants and carbon monoxide have been exceeded in the Region. In 1970, the maximum 1-hour oxidant reading recorded in the Region was 0.40 ppm at the Oceanside station. The use of this oxidant reading for air planning purposes was rejected on the basis that the reading was the result of a unique traffic stoppage caused by highway construction, combined with unusually heavy volume that day. In addition, there is some evidence of pollutant transport into the Region from the Los Angeles Region. The next highest 1-hour oxidant reading that occurred in the Region was 0.32 ppm at the Escondido Station in 1972, and this reading is being used for oxidant air planning purposes. A high 8-hour carbon monoxide reading of 18 ppm recorded in 1972 is being used for carbon monoxide air planning purposes. As in many areas of California, the predominant air pollution problem is photochemical oxidants. a review of air quality data for 1970–1972 shows that both oxidant and carbon monoxide standards were frequently exceeded. Both the frequency of violations and the maximum levels of oxidant experienced indicate the need for extensive mobile and stationary source control if the national air quality standards are to be achieved. The oxidant problem is the main obstacle to attainment of the standards.

Recent EPA analysis indicates that emissions must be lowered to the following levels to meet the photochemical oxidant and 8-hour carbon monoxide standards: the reactive hydrocarbon emissions must be lowered to 25 percent of 1972 emission levels in order to meet the oxidant standard, and the carbon monoxide emissions must be lowered to 50 percent of 1972 emission levels in order to meet the carbon monoxide standard, using proportional rollback.

The majority of the carbon monoxide and reactive hydrocarbon emissions in the Region are attributable to motor vehicles. Information available indicates that, in addition to stringent controls for stationary sources and requirements for limiting the emissions of motor vehicles, a reduction in VMT by gasoline-powered motor vehicles of 45 percent will have to be effected in order to meet the oxidant standard in 1977. It should be pointed out that it is estimated by EPA that one of the proposed technical strategies, catalyst retrofit, cannot be implemented before 1977.

Table IV shows the impact the proposed measures will have on total emissions in the San Diego Region.

TABLE IV—SUMMARY OF IMPACT OF CONTROL STRATEGIES IN THE SAN DIEGO REGION IN 1977

Source and control measures	*Emissions and reductions of reactive hydrocarbons, tons/day*
Stationary source emissions without proposed control strategy.	52.5
Expected reductions	
1. Vapor recovery at gasoline stations.	−31.9
2. Surface coating restrictions, dry-cleaning controls, and degreasing controls.	−15.8
Stationary emissions remaining	4.8
Mobile source emissions without proposed control strategy.	86.4
Expected reductions	
1. Catalyst retrofit, and mandatory inspection and maintenance.	−14.5
2. Motorcycle limitations	−5.8
3. Reduction in VMT (20%)	−8.9
Mobile emissions remaining	57.2
Gasoline reduction (additional 25% reduction).	−11.0
Total emissions remaining	51.0
Allowable emissions for attainment of standards for photochemical oxidants.	51.0

Studies available to EPA indicate that a VMT reduction on the order of 20 percent can be achieved by means other than gas rationing. The remainder of the VMT reduction needed will be achieved through gas rationing.

It is assumed by EPA, and is implicit in the control strategy calculations, that all Federal facilities will comply with State, local Air Pollution Control District, and EPA air pollution emission rules and regulations. Due to the extensive military activities in the San Diego Region and the significant harm to air quality that emissions from these activities could produce, it is particularly important that military vehicles, operations and facilities follow Presidential Executive Order 11507 by conforming to State, local, and EPA rules and regulations.

There is presently underway in the San Diego Region a study of possible strategies for meeting the national ambient air quality standards. This study is being conducted by Rand Corporation of Santa Monica, California, and is part of the San Diego Clean Air Project, "Regional Analysis for Meeting Air Quality Standards," being performed by the Integrated Environmental Development Agency under contract number 6704–0270–E. The Clean Air Project is supported by a grant to San Diego County from the Environmental Protection Agency and by a matching contribution from local sources. It is anticipated that the results of this study will be available in time to assist in promulgation of the final EPA plan for the San Diego Region.

The stationary source emissions of hydrocarbons and carbon monoxide projected for 1977 are EPA estimates based on Rand-IREM projections. The Rand-IREM projections used are those that take into account EPA evaluations of hydrocarbon reactivities where possible and the effects of strategies that are now in effect or will be implemented by 1975–77 under the State and San Diego APCD regulations and proposed EPA regulations. It is anticipated that the final Rand-IREM report analysis may provide a basis for the promulgation of more emission reductions and/or cost effective control strategies in the final EPA plan. EPA and representatives of the solvent and paint industries are currently investigating the adequacy of the local air pollution control district regulations exempting certain organic compounds from control. It is anticipated that these regulations (such as Rule 66 of San Diego County) will be reevaluated prior to 1975 after extensive additional experimental studies.

AIRCRAFT EMISSIONS

Emissions from aircraft engines in 1977 are expected to be approximately 30 percent less than the emissions projected by means of current emission factors. This reduction is due to lower-emission engines that are expected to replace and supplement engines currently in use. Although a reduction is anticipated, the emissions from aircraft are still quite significant. For example, in San Francisco, aircraft emissions are projected to account for 34 tons/day of reactive hydrocarbons in 1977. The total allowable emissions of reactive hydrocarbons from all sources must be less than 125 tons/day if the national standards for oxidants are to be achieved. Aircraft emissions therefore will account for 27 percent of the allowable emissions in 1977.

Studies have indicated that modification of ground and flight procedures can result in reduced emissions but, the Federal Aviation Administration asserts implementation of these procedures may affect safety. This requires further investigation, and EPA is funding on this matter. There are also other means for reducing aircraft emissions, such as limiting the number of takeoffs and landings and/or percentage of seats occupied on individual flights. The Administrator invites public comment on the potential for reducing aircraft emissions.

TECHNICAL SUPPORT DOCUMENT

A discussion of the transportation control strategies proposed for the San Diego, San Joaquin Valley, Sacramento Valley, and San Francisco Bay Area Air Quality Control Regions is contained in "Development of Emission Control Strategies for Reducing Emissions in the Air Quality Control Regions of California," prepared under contract to the Environmental Protection Agency and available from the EPA Region IX office at 100 California Street, San Francisco, California 94111.

PUBLIC HEARINGS AND SUBMITTAL OF WRITTEN COMMENTS

Public hearings will be held on the proposed transportation control strategies contained herein. Dates and places of the public hearings are:

AUGUST 6, 1973

Fresno Convention Center,
700 M Street,
Exhibit Hall Wine Room,
Fresno, California.

AUGUST 7, 1973

California State Building,
1350 Front Street,
Room B109, Auditorium,
Basement,
San Diego, California.

AUGUST 8, 1973

Federal Building
450 Golden Gate Avenue
Ceremonial Court Room
19th Floor
San Francisco, California

AUGUST 10, 1973

Resources Building
1416 9th Street
Auditorium
Sacramento, California

Times. 9:30 a.m. to 12:00 a.m.; 1:30 p.m. to 4:30 p.m.; and 7:00 p.m. until all witness have been heard.

NOTE: Evening sessions will be held only if witnesses indicate that they can only attend evening sessions or if adequate time is not available during day sessions to hear all witnesses.

The Administrator's final promulgation of transportation controls for all affected air quality control regions in California will be profoundly influenced by the comments and testimony he receives. Persons wishing to give testimony at any of these hearings may do so by stating such intent at the hearing. Although it is not required, persons giving testimony should submit a copy of the testimony to the Region IX Office of the Environmental Protection Agency prior to the hearing date. Interested persons may also participate in this rule making by submitting written comments, preferably in triplicate, to the Regional Administrator, Environmental Protection Agency, 100 California Street, San Francisco, California 94111. All relevant comments received within 30 days of this date will be considered. Receipt of comments will be acknowledged, but substantial responses to individual comments will not be provided. Comments received and copies of the proposal will be available for public inspection at the Regional Office. Copies of the proposal will also be available for inspection at the following locations:

California Air Resources Board
1025 "P" Street
Sacramento, California 95814
Fresno Air Pollution Control District
515 South Cedar Avenue
Fresno, California 93702
San Diego Air Pollution Control District
1600 Pacific Highway
San Diego, California 92101
San Francisco Air Polution Control District
939 Ellis Street
San Francisco, California 94109
Sacramento Air Pollution Control District
2221 Stockton Boulevard
Sacramento, California 95817
Kern County Air Pollution Control District
1700 Flower Street
P.O. Box 997
Bakersfield, California 93301
Stanislaus County Air Pollution Control District
902 Scenic Drive
Modesto, California 95350
San Joaquin County Air Pollution Control District
1601 East Hazelton Street
Stockton, California 95201
Tulare County Air Pollution Control District
County Civic Center
Visalia, California 93277

The final promulgation for the San Joaquin Valley, San Francisco Bay Area, San Diego, and Sacramento Valley Regions (as well as for the Metropolitan Los Angeles Region, which was covered under a separate proposal announcement) will take place on August 15, 1973. This notice of proposed rule making is issued under the authority of sections 110(c) and 301(a) of the Clean Air Act.

(42 U.S.C. 1857c–5)

Dated: July 6, 1973.

ROBERT W. FRI,
Acting Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40, of the Code of Federal Regulations as follows:

Subpart F—California

1. Subpart F is amended by adding §§ 52.241 through 52.255 as follows:

§ 52.241 Gasoline limitations.

(a) Definition:

(1) The term "base year" means the consecutive 12-month period commencing July 1, 1972, and ending June 30, 1973.

(2) The term "distributor" means any corporation, partnership, or sole proprietorship which transports or stores or causes the transportation or storage of gasoline or diesel fuel between any refinery and any retail outlet.

(3) The term "retail outlet" means any establishment at which gasoline or diesel fuel is sold or offered for sale to the public, or introduced into any vehicle.

(b) This section is applicable in the San Diego, Sacramento Valley, San Joaquin Valley, and San Francisco Bay Area Intrastate Air Quality Control Regions (hereinafter referred to as the Regions), to all distributors of gasoline or diesel fuel to any retail outlet in this area, and to the owners of all retail outlets in this area.

(c) Beginning July 1, 1974, the State of California shall implement regulations limiting the total gallonage of gasoline delivered to retail outlets in the Regions to the amount delivered to such outlets during the base year.

(d) Beginning May 31, 1977, the State of California shall implement regulations limiting the total gallonage of gasoline and diesel fuel delivered to retain outlets in all regions except the San Joaquin Valley to that amount which, when combusted, will not cause the ambient air quality standards for carbon monoxide and photochemical oxidants to be exceeded. The State shall by January 1, 1977, submit to the Administrator regulations for accomplishing this limitation, specifying the amount for limitation necessary.

(e) In order for the State to determine the amount of gasoline delivered during the base year and years during which control of gallonage is in effect, all distributors to which this section applies shall provide the State with a detailed accounting of the amount of gasoline delivered to each retail outlet in the Regions during the base year and years during which control is in effect. For each year during which control is in effect, the owner or operator of each retail outlet to which this section applies shall provide the State with a detailed accounting of gasoline received from each distributor, the total amount of gasoline sold during the year, and the amount of gasoline on hand at the beginning and end of the year. The State may require any other reports it may deem necessary for the implementation of this section.

(f) The State of California shall submit no later than October 1, 1973, a detailed compliance schedule showing steps it will take to establish and enforce the limitation program specified in paragraphs (c) and (e) of this section, including:

(1) The text of needed statutory proposals and needed regulations which the State will propose for adoption.

(2) A date by which the State shall adopt procedures to ensure that no more than the amount of gasoline specified in paragraph (c) of this section is delivered to retail outlets in the Regions. Such date shall be no later than March 30, 1974.

(3) A date by which any report necessary for establishing such procedures will be furnished to the State by the distributors. Such date shall be no later than January 1, 1974.

(4) Designation of an agency responsible for implementing and monitoring this program.

(f) Failure to comply with any provisions of this section shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. With regard to compliance schedules, a State will be considered to have failed to comply with the requirements of this section if it fails to submit on time any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.242 Inspection and maintenance program.

(a) Definitions:

(1) "Inspection and maintenance program" means a program for reducing emissions from in-use vehicles through identifying vehicles which need emission-control-related maintenance and requiring that such maintenance be performed.

(2) All other terms used in this section which are defined in Part 51, Appendix N of this chapter, are used herein with the meanings so defined.

(b) This section is applicable in the San Diego, Sacramento Valley, San Joaquin Valley, and San Francisco Bay Area Intrastate Air Quality Control Regions (hereinafter referred to as the Regions).

(c) The State of California shall establish an inspection and maintenance program applicable to all light-duty vehicles which operate on streets or highways over which it has ownership or control. No later than March 1, 1974, the State shall submit legally adopted regulations to EPA establishing such a program. The regulations shall include:

(1) Provisions for inspection of all light-duty motor vehicles at periodic intervals no more than 1 year apart by means of a loaded (dynamometer) test.

(2) Provisions for inspection failure criteria consistent with the emission reductions claimed in the plan for the strategy. These criteria shall include failure of 50 percent of the vehicles in the first inspection cycle.

(3) Provisions to ensure that failed vehicles receive the maintenance necessary to achieve compliance with the inspection standards. These shall include sanctions against individual owners and repair facilities; retest of failed vehicles following maintenance; a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts, and knowledge to perform the tasks satisfactorily; and such other measures as may be necessary or appropriate.

(4) A program of enforcement to ensure that vehicles are not intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. This might include spot checks of idle adjustments and/or a suitable type of physical tagging.

(5) Provisions for beginning the first inspection cycle by June 1, 1975, and completing it by June 1, 1976.

(6) Designation of an agency or agencies responsible for conducting, overseeing, and enforcing the inspection and maintenance program.

(d) After June 1, 1976, the State shall not register or allow to operate on its streets or highways any light-duty vehicle which has not complied with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(e) After June 1, 1976, no owner of a light-duty vehicle shall operate or allow the operation of such vehicle which has not complied with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(f) The State of California shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce an inspection and maintenance program pursuant to paragraph (c) of this section, including:

(1) The text of needed statutory proposals and needed regulations which the State will propose for adoption.

(2) The date by which the State will recommend needed legislation to the State legislature.

(3) The date by which necessary equipment will be ordered.

(4) A signed statement from the Governor or his designee identifying the sources and amounts of funds for the program. If funds cannot legally be obligated under existing statutory authority, the text of needed legislation will be submitted.

(g) Failure to comply with any provisions of this section shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. With regard to compliance schedules, the State will be considered to have failed to comply with the requirements of this section if it fails to submit on time any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.243 Bus/car-pool lanes.

(a) Definitions:

(1) "Car pool" means a vehicle containing three or more persons.

(2) "Bus/car-pool lane" means a lane on a street or highway open only to buses (or buses and car pools), whether constructed specially for that purpose or converted from existing lanes.

(3) "Major street or highway" means any street or highway which meets the criteria given in paragraph (b) (4) (ii) and (iii) of this section.

(b) This regulation is applicable in the San Diego, San Francisco Bay Area, and San Joaquin Valley Intrastate Air Quality Control Regions, and in the Sacramento County portion of the Sacramento Valley Intrastate Air Quality Control Region.

(1) Each incorporated city within the Regions or portions thereof specified in paragraph (b) of this section shall establish bus/car-pool lanes on the major streets and highways (as defined herein) over which it has ownership or control, according to the schedule in paragraph (b) (4) (v) of this section.

(2) Each county within the Regions or portions thereof specified in paragraph (b) of this section shall establish bus/car-pool lanes on the major streets and highways (as defined herein) over which it has ownership or control, according to the schedule in paragraph (b) (4) (v) of this section.

(3) The State of California shall establish within the Regions or portions thereof specified in paragraph (b) of this section, bus/car-pool lanes on major streets and highways over which it has ownership or control, according to the schedule in paragraph (b) (4) (v) of this section.

(4) Each of the governmental entities named in the previous three subparagraphs shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps which it will take to establish these bus/car-pool lanes and to enforce the limitations on their use, with each schedule to include the following:

(i) Each major street and highway which will have bus-car-pool lanes must be identified and a schedule given for the establishment of the lanes.

(ii) If a major street or highway has four or more traffic lanes in one direction, at least one of these lanes must be open only to buses (or buses and car pools) at all times. If only one lane is open to buses (or buses and car pools) at all times, a second lane must be open only to buses (or buses and car pools) from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m.

(iii) If a major street or highway has three traffic lanes in one direction, at least one of these lanes must be open only to buses (or buses and car pools) from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m.

(iv) In unusual situations, a street or highway, or lane segment thereof, may be exempt from these requirements if an approval of the exemption is obtained from the Administrator. The application for exemption shall not be submitted and will not be accepted after September 1, 1973. Special circumstances justifying the need for an exemption or modification (such as inappropriateness of use by buses, designation of bicycle lanes instead, or desire to allow bus/car-pool lanes to be entered briefly by other vehicles for the purpose of crossing a motor vehicle lane or making a right turn) must be given in detail with the application.

(v) Bus/car-pool lanes must be prominently indicated by overhead signs at least once every mile, and at each intersection or entry ramp. Twenty-five percent of the lane mileage for each of the governmental entities must be established and needed signs must be installed by March 1, 1974; fifty percent by June 1, 1974; seventy-five percent by September 1, 1974; and one hundred percent by December 1, 1974.

(vi) Bus/car-pool lanes must be prominently indicated by distinctive painted lines, pylons, or physical barriers.

(vii) A signed statement by the chief executive officer of each governmental entity or his designee which will identify the sources and amounts of funds for all projects.

(5) Buses shall have the right-of-way whenever changing lanes on streets and highways with bus lanes. This shall take effect as each lane is established and identified.

(6) Buses shall be permitted to make left turns whether or not the intersection is posted for "no left turn" (except when a one-way street would be entered from the wrong direction). This shall take effect January 1, 1974.

(7) None of the governmental entities named in paragraph (b) of this section shall convert existing on-street parking spaces to traffic lanes unless the effect will be to increase the number of bus/car-pool lanes on the affected street beyond the number otherwise required by paragraph (b) of this section, or unless

the effect will be to create a bicycle lane in place of the parking spaces.

(c) Failure to comply with any provisions of this section shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. With regard to compliance schedules, a governmental entity will be considered to have failed to comply with the requirements of this section if it fails to submit on time any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.244 Management of parking supply.

(a) Definitions:

(1) "Construction" means fabrication, erection, or installation of a parking facility, or any conversion of land for use as a facility.

(2) "Modification" means any change to a parking facility which increases the vehicle capacity of such facility.

(3) "Enlargement" means any physical change or addition to a parking facility which increases the vehicle capacity of such facility.

(4) "Commenced" means that an owner or operator has undertaken a continuous program of construction, modification, or enlargement.

(5) "Parking facility" (also called "facility") means any facility, building, structure, or lot, or portion thereof used primarily for temporary storage of motor vehicles.

(b) This regulation is applicable in the San Diego, San Francisco Bay Area, and San Joaquin Valley Air Quality Control Regions, and in the Sacramento County portion of the Sacramento Valley Intrastate Air Quality Control Region.

(c) No person, after August 15, 1973, shall commence construction of any new parking facility or modification or enlargement of any existing parking facility until he has first received from the Administrator, or from an ageny approved by the Administrator, a permit stating that construction, modification, or enlargement of such facility will not interfere with the attainment or maintenance of applicable Federal air quality standards.

(d) In order for any agency to be approved by the Administrator for purposes of issuing permits for construction of any new parking facility or any modification or enlargement of any existing parking facility, such agency shall demonstrate to the satisfaction of the Administrator that:

(1) Requirements for permit applications and issuance have been established. Such requirements shall include, but not be limited to, a condition that before a permit may be issued the following findings of fact or factually supported projections must be made:

(i) The location of the facility.

(ii) The total motor vehicle capacity before and after the construction, modification, or enlargement of the facility.

(iii) The normal hours of operation of the facility and the enterprises and activities which it serves.

(iv) The number of people using or engaging in any enterprises or activities which the proposed facility will serve.

(v) The number of motor vehicles using the proposed facility on an average hourly basis and a peak hour basis.

(vi) A projection of the geographic areas in the community from which people and motor vehicles will be drawn to the facility. Such projections shall include data concerning the availability of public transit from such areas.

(2) Criteria for issuance of permits have been established and published. Such criteria shall include but not be limited to:

(i) Full consideration of all facts contained in the application.

(ii) Provisions that no permit shall be issued if such permit will result in the increase of vehicle miles of travel within any area the air quality of which fails to meet applicable Federal air quality standands.

(3) Agency procedures provide that no permit for the construction, enlargement, or modification of a facility covered by this section shall be issued without notice and opportunity for public hearing. The public hearing may be of the legislative type; the notice shall conform to the requirements of § 51.4(b) of this chapter; and the agency rules of procedure may provide that if no notice of intent to participate in the hearing is received from any member of the public (other than the applicant) prior to 7 days before the scheduled hearing date, no hearing need be held. If notice of intent to participate is required, that fact shall be noted prominently in the required notice of hearing.

§ 52.245 Limitation of public parking.

(a) The term "off-street parking facility" means any land or building or portion of a building set aside for the purpose of storing a maximum capacity of ten or more vehicles on a temporary basis.

(b) Each governmental entity or public agency owning or operating an off-street parking facility located within the San Diego, San Francisco Bay Area, or San Joaquin Valley Intrastate Air Quality Control Regions, or in the Sacramento County portion of the Sacramento Valley Intrastate Air Quality Control Region shall, by October 1, 1973, report to the Administrator the number of parking spaces in each such facility under its ownership or control. The number used solely for the storage of vehicles of persons whose residence is within ¼ mile of the facility shall not be counted.

(c) Each such owner or operator of any off-street parking facility located within the area specified in paragraph (b) of this chapter shall reduce the number of affected parking spaces in each such facility from the number in existence as of October 1, 1973, according to the following schedule: by January 31, 1974, a reduction of 5 percent; by July 31, 1974, a reduction of 10 percent; by December 31, 1974, a reduction of 15 percent; and by April 30, 1975, a reduction of 20 percent.

(d) Each such owner or operator of an off-street parking facility subject to the requirements of paragraph (c) of this chapter shall submit to the Administrator, no later than October 31, 1973, a detailed compliance schedule showing the steps it will take to achieve the required reduction in parking spaces. Such schedule shall provide for marking in a manner obvious to the public (painting over, roping off, etc.) those spaces which are eliminated pursuant to this section and on which parking is no longer permitted.

(e) Failure to submit a compliance schedule as required by this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act. Any owner or operator of a parking facility who allows any vehicle to be parked on any parking space which has been eliminated pursuant to this section or who fails to mark clearly those spaces which have been eliminated, shall likewise be in violation and subject to enforcement.

§ 52.246 Motorcycle limitation program.

(a) Definitions:

(1) "Motorcycle" means any self-propelled two- or three-wheeled motor vehicle capable of carrying one or more persons.

(2) "Two-stroke engine" means an internal combustion engine which requires two strokes of the engine's piston for a complete cycle of operation.

(3) "Registration" means the action of a State which allows a vehicle to be operated on the streets and highways in that State during a defined period of time.

(4) "Registration period" means that period of time that a vehicle is permitted to be used within the State.

(b) This section is applicable in the San Diego, San Francisco Bay Area, and San Joaquin Valley Intrastate Regions, and in the Sacramento County portion of the Sacramento Valley Intrastate Region.

(c) As of January 1, 1974, or during any registration period which commences in the calendar year 1974, the State of California shall not register in the Regions and portions thereof specified in paragraph (b) of this section more motorcycles than the total number registered in 1973.

(d) As of May 1, 1974, the State of California shall prohibit the operation of two-stroke-engine motorcycles in the Regions and portions thereof specified in paragraph (b) of this section between 6:00 a.m. and 8:00 p.m. during the months of May, June, July, August, September, and October.

(e) After January 1, 1974, no person shall operate any motorcycle on the streets and highways of the State within the Regions and portions thereof speci-

fied in paragraph (b) of this section which is not validly registered by the State of California or by another State.

(f) No later than October 1, 1973, the State shall submit a detailed compliance schedule showing the steps it will take to implement and enforce these requirements, including:

(1) The text of needed statutory proposals and needed regulations which it will propose for adoption.

(2) A date by which the State will adopt procedures (or submit evidence that they are in existence) necessary to limit the number of motorcycles registered as required above, to restrict the operation of two-stroke motorcycles as required above, and to require the registration of all motorcycles operated as required above.

(3) Proposed procedures (or evidence that they are in existence) to ensure that no motorcycle will be registered by the State in a county other than that of the owner's legal residence.

(g) Failure to comply with any provisions of this section shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. With regard to compliance schedules, the State will be considered to have failed to comply with the requirements of this section if it fails to submit on time any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.247 Oxidizing catalyst retrofit.

(a) Definitions:

(1) "Oxidizing catalyst" means a device installed in the exhaust system of the vehicle that utilizes a catalyst and, if necessary, an air pump to reduce emissions of hydrocarbons and carbon monoxide from that vehicle.

(2) All other terms used in this section which are defined in Part 51, Appendix N of this chapter, are used herein with the meanings so defined.

(b) This section is applicable in the San Diego, San Francisco Bay Area, San Joaquin Valley, and Sacramento Valley Instrastate Air Quality Control Regions.

(c) The State of California shall establish a retrofit program to ensure that on or before May 31, 1977, certain gasoline-powered light-duty motor vehicles of model years 1966 through 1974, which are subject under presently existing legal requirements to registration in the area defined in paragraph (b) of this section, are equipped with an appropriate oxidizing catalyst retrofit device. No later than March 1, 1974, the State shall submit legally adopted regulations to EPA establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving such devices for use on motor vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of subparagraph (3) of this paragraph are enforced.

(3) A provision that starting no later than May 31, 1976, the State of California shall commence retrofitting oxidizing catalysts to those light-duty motor vehicles able to operate properly on unleaded 91 RON gasoline. The installation shall be completed by May 31, 1977.

(4) A method and proposed procedures for ensuring that those installing the retrofits have the training and ability to perform the needed tasks satisfactorily and that they will have an adequate supply of retrofit components.

(d) After May 31, 1977, the State shall not register or allow to operate on public streets or highways any light-duty gasoline-powered vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(e) After May 31, 1977, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle which does not comply with the applicable standards and procedures implementing this section.

(f) The State of California shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to paragraph (c) of this section, and the text of needed statutory proposals and needed regulations which it will propose for adoption. The compliance schedule shall include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1975.

(g) Failure to comply with any provisions of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. A State will be considered to have failed to comply with the requirements of this regulation if it fails to submit on time the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.248 Bus/carpool computer matching system.

(a) Definitions:

(1) "Bus/carpool matching" means assembling lists of commuters sharing similar travel needs. The number of commuters on each list identifies potential bus/carpools.

(2) "Time-origin-destination (TOD) information" means information that identifies a commuter's work schedule, home and work location.

(3) All other terms used in this section which are defined in Part 51, Appendix N of this chapter, are used herein with the meanings so defined.

(b) This section is applicable in the San Diego, San Joaquin Valley, Sacramento Valley and San Francisco Bay Area Air Quality Control Regions (hereafter referred to as the Regions).

(c) Beginning March 1, 1974, the State of California shall establish a computer-aided bus/carpool matching system which is conveniently available to all employees in businesses having more than 10 employees within the Regions who operate light-duty vehicles on streets or highways over which it has ownership or control. No later than December 1, 1973, the State shall submit legally adopted regulations to EPA establishing such a system. The regulations shall include:

(1) A method of collecting information which will include the following as a minimum:

(i) Provisions for each affected employee receiving an application form with a cover letter describing the matching program.

(ii) Provisions on each application for applicant identification of time, origin, and destination, and the applicant's desire to drive only, ride only, or share driving.

(2) A computer method of matching information that will have provisions for locating each applicant's origin and destination within a grid system in the urban area and semi-rural region surrounding incorporated cities with a population greater than 50,000 and matching applicants with identical origin and destination grids and compatible work schedules.

(3) A method for providing continuing service such that the master list of all applicants is retained and available for use by new applicants; applications are currently available; and the master list is periodically updated to remove applicants who have moved from the area served.

(4) An agency or agencies responsible for operating, overseeing and maintaining the bus/carpool computer matching system.

(d) Failure to comply with any provisions of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act.

§ 52.249 Control of oxides of nitrogen, hydrocarbon and carbon monoxide emissions from in-use vehicles.

(a) The State of California retrofit program, authorized under section 39176 of the State of California Health and Safety Code and established by the California Air Resources Board for the purpose of controlling oxides of nitrogen, hydrocarbon, and carbon monoxide emissions from model years 1955 through 1965 light-duty motor vehicles, shall be extended to the San Joaquin Valley and Sacramento Valley Intrastate Air Quality Control Regions.

(b) Beginning January 1, 1974, the State of California shall commence the operation of this program in the San Joaquin Valley and Sacramento Valley Intrastate Air Quality Control Regions.

(c) Failure to comply with any provisions of this section shall render the person or governmental entity so failing to

comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. With regard to compliance schedules, a State will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.250 Control of dry cleaning solvent vapor losses.

(a) For the purpose of this paragraph, "dry cleaning operation" means that process by which an organic solvent is used in the commercial cleaning of garments and other fabric materials.

(b) This section is applicable in the San Diego, Sacramento Valley, San Joaquin Valley and San Francisco Bay Area Intrastate Air Quality Control Regions. The requirements of this section shall be effective commencing on January 1, 1974.

(c) In addition to the present control regulations for organic solvent users, any dry cleaning establishment that uses solvents containing any organic material listed as reactive under paragraph (k) (1), (2), and (3) of § 52.253 shall in addition reduce the emissions of the remaining organics by 95 percent by use of activated carbon adsorption or other appropriate means.

(d) If incineration is used as a control technique, 95 percent or more of the carbon in the organic compounds being incinerated must be oxidized to carbon dioxide.

(e) Dry cleaning operations using solvents considered nonreactive under paragraph (k) of § 52.253 are exempt from this section.

§ 52.251 Control of degreasing operations.

(a) For the purpose of this paragraph, "degreasing" means any operation using an organic solvent as a surface cleaning agent prior to fabricating, surface coating, electroplating or any other process.

(b) This section is applicable in the San Diego, Sacramento Valley, San Joaquin Valley and San Francisco Bay Area Intrastate Air Quality Control Regions. The requirements of this section shall be effective commencing on January 1, 1974.

(c) No person shall use for degreasing any organic solvent other than perchloroethylene or saturated halogenated hydrocarbons.

§ 52.252 Organic solvent usage (Federal regulation adding to and replacing parts of Rule 66 of San Diego County).

(a) This section is applicable in that portion of San Diego County contained within the metropolitan San Diego Intrastate Air Quality Control Region. This section is effective as of January 1, 1975.

(b) Subdivision (1) of Rule 66 of San Diego County as contained in the local air pollution control district regulations for San Diego County is amended by replacing subparagraph (5) and adding in place thereof subparagraphs (5), (6), and (7). Additional subdivisions are added and identified as (m) and (r). The identities of subdivisions (m), (n), (o), and (p) in the present San Diego regulations are changed respectively to (n), (o), (p), and (q). The amendment is as follows:

(5) The use of any material, in any article, machine, equipment or other contrivance described in subdivisions (a), (b), (c), or (e) if:

(i) The volatile content of such material consists only of water and organic solvents, and

(ii) The organic solvents comprise not more than 20 percent by volume of said bulk content, and

(iii) The volatile content is not photochemically reactive as defined in subdivision (n), and

(iv) The organic solvent or any material containing organic solvent does not come into contact with flame.

(6) The use of any material, in any article, machine, equipment or other contrivance described in subdivisions (a), (b), (c), or (e), if:

(i) The organic solvent content of such material does not exceed 20 percent by volume of said material, and

(ii) The volatile content is not photochemically reactive as defined in subdivision (n), and

(iii) More than 50 percent by volume of such volatile material is evaporated before entering a chamber heated above ambient application temperature, and

(iv) The organic solvent or any material containing organic solvent does not come into contact with flame.

(7) The use of any material, in any article, machine, equipment or other contrivance described in subdivisions (a), (b), (c), or (e) if:

(i) The organic solvent content of such material does not exceed 5 percent by volume of said material, and

(ii) The volatile content is not photochemically reactive as defined in subdivision (n), and

(iii) The organic solvent or any material containing organic solvent does not come into contact with flame.

(m) All surface coating operations involving the application of surface coatings to metal objects shall, as of January 1, 1975, not be allowed the privilege of discharging into the atmosphere up to 40 pounds of organic material in any one day or 8 pounds in any one hour, as was previously allowed under subdivision (b) of this rule. The surface coating composition and its use must meet all other requirements of this rule.

(r) A person shall not during any one day dispose of a total of more than one and one-half gallons of any photochemically reactive solvent, as defined in subdivision (k) of this rule, or of any such photochemically reactive solvent, by any means which will permit the evaporation of such solvent into the atmosphere.

§ 52.253 Organic solvent usage.

(a) This section is applicable in all portions of all counties contained within the San Joaquin Valley, Sacramento Valley, and San Francisco Bay Area Intrastate Air Quality Control Regions.

(b) A person shall not discharge into the atmosphere more than 15 pounds of organic materials in any one day or more than 3 pounds in any one hour from any article, machine, equipment or other contrivance in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured or heat-polymerized in the presence of oxygen, unless said discharge has been reduced by at least 85 percent. Those portions of any series of articles, machines, equipment or other contrivances designed for processing continuous web, strip or wire which emit organic materials in using operations described in this section shall be collectively subject to compliance with this section.

(c) A person shall not discharge to the atmosphere more than 40 pounds of organic materials in any one day or more than 8 pounds in any one hour from any article, machine, equipment or other contrivance used under conditions other than those described in paragraph (b) of this section for employing or applying any photochemically reactive solvent, as defined in paragraph (k) of this section, or material containing such photochemically reactive solvent, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, or other contrivance described in this section shall be included in determining compliance with this paragraph. Emissions resulting from baking, heat-curing or heat-polymerizing as described in paragraph (b) of this section shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials in using operations described in this section shall be collectively subject to compliance with this section.

(d) A person shall not, after August 31, 1974, discharge into the atmosphere more than 3,000 pounds of organic materials in any one day or more than 450 pounds in any one hour from any article, machine, equipment or other contrivance in which any nonphotochemically reactive organic solvent or any material containing such a solvent is employed or applied, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in this section shall be included in determining compliance with this section. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in paragraph (b) of this section shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip, or wire which emit organic materials in using operations described in this section shall be collectively subject to compliance with this section.

(e) Emissions of organic materials to the atmosphere from the cleanup with

photochemically reactive solvent, as defined in paragraph (k) of this section, of any article, machine, equipment or other contrivance described in paragraphs (b), (c), or (d) of this section, shall be included with the other emissions of organic materials from that article, machine, equipment or other contrivance for determining compliance with this rule.

(f) Emissions of organic materials into the atmosphere required to be controlled by paragraphs (b), (c), or (d) of this section shall be reduced by:

(1) Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide, or

(2) Absorption, or

(3) Processing in a manner determined by the Administrator to be not less effective than subparagraph (1) or (2) of this paragraph.

(g) A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this section shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified in the authority to construct or permit to operate, or as specified by the Administrator, for indicating temperatures, pressures, rates of flow or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

(h) Any person using organic solvents or any materials containing organic solvents shall supply the Administrator, upon request and in the manner and form prescribed by him, written evidence of the chemical composition, physical properties and amount consumed for each organic solid used.

(i) The provisions of this section shall not apply to:

(1) The manufacture of organic solids, or the transport or storage of organic solids or materials containing organic solids.

(2) The use of equipment for which other requirements are specified by rules or which are exempt from air pollution control requirements by applicable rules affecting the storage of petroleum products, effluent oil-water separators, and the transfer of gasoline.

(3) The spraying or other employment of insecticides, pesticides or herbicides.

(4) The employment, application, evaporation or drying of saturated halogenated hydrocarbons or perchloroethylene.

(5) The use of any material in any article, machine, equipment or other contrivance described in paragraphs (b), (c), (d), or (e) of this section, if:

(i) The volatile content of such material consists only of water and organic solids, and

(ii) The organic solvents comprise not more than 20 percent by volume of said volatile content, and

(iii) The volatile content is not photochemically reactive as defined in paragraph (k) of this section, and

(iv) The organic solvent or any material containing organic solvent does not come into contact with flame.

(6) The use of any material in any article, machine, equipment or other contrivance described in paragraphs (b), (c), (d), or (e) of this section if:

(i) The organic solvent content of such material does not exceed 20 percent by volume of said material, and

(ii) The volatile content is not photochemically reactive as defined in paragraph (k) of this section, and

(iii) More than 50 percent by volume of such volatile material is evaporated before entering a chamber heated above ambient application temperature, and

(iv) The organic solvent or any material containing organic solvent does not come into contact with flame.

(7) The use of any material in any article, machine, equipment or other contrivance described in paragraphs (b), (c), (d), or (e) of this section, if:

(i) The organic solvent content of such material does not exceed 5 percent by volume of said material, and

(ii) The volatile content is not photochemically reactive as defined in paragraph (k) of this section, and

(iii) The organic solvent or any material containing organic solvent does not come into contact with flame.

(j) For the purposes of this section, organic solvents include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents, except that such materials which exhibit a boiling point higher than 220°F at 0.5 millimeter mercury absolute pressure or having an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 220°F.

(k) For the purpose of this section, a photochemically reactive solvent is any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:

(1) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cycloolefinic type of unsaturation: 5 percent;

(2) A combination of aromatic compounds with 8 or more carbon atoms to the molecule except ethylbenzene: 8 percent;

(3) A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent.

Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.

(l) For the purpose of this section, organic materials are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates, and ammonium carbonate.

(m) All surface coating operations involving the application of surface coatings to metal objects shall, as of January 1, 1975, not be allowed the privilege of discharging into the atmosphere up to 40 pounds of organic material in any one day or 8 pounds in any one hour. The surface coating composition and its use must meet all other requirements of this rule.

(n) Architectural coatings and their use shall conform to the following requirements:

(1) A person shall not sell or offer for sale or use in the areas in which this regulation applies, in containers of one-quart capacity or larger, any architectural coating containing photochemically reactive solvent, as defined in paragraph (k) of this section.

(2) A person shall not employ, apply, evaporate or dry in the areas in which this regulation applies, any architectural coating purchased in containers of one-quart capacity or larger containing photochemically reactive solvent, as defined in paragraph (k) of this section.

(3) A person shall not thin or dilute any architectural coating with a photochemically reactive solvent, as defined in paragraph (k) of this section.

(4) For the purpose of this section, an architectural coating is defined as a coating used for residential or commercial buildings and their appurtenances, or for industrial buildings.

(o) A person shall not during any one day dispose of a total of more than one and one-half gallons of any photochemically reactive solvent, as defined in paragraph (k) of this section, or of any material containing more than one and one-half gallons of any such photochemically reactive solvent by any means which will permit the evaporation of such solvent into the atmosphere.

(p) Compliance schedule: Except as provided in paragraph (q) of this section, the owner or operator of any source subject to this section shall comply with this section on or before January 31, 1974.

(1) Any owner or operator in compliance with this section on the effective date of this section shall certify such compliance to the Administrator no later than 120 days following the effective date of this paragraph.

(2) Any owner or operator who achieves compliance with this section after the effective date of this section shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(q) Any owner or operator of a stationary source subject to paragraph (p) (1) of this section may, not later than 120 days following the effective date of this section, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with the provisions in paragraph (p) of this section as expeditiously as practicable but no later than July 31, 1975. The compliance schedule shall provide for increments of progress toward compliance. The dates for achievement of such increments of progress shall be specified. Increments of progress shall include, but not be limited to: Submittal of final

control plan to the Administrator; letting of necessary contracts for construction or process changes or issuance of orders for the purchase of component parts to accomplish emission control or process modification; initiation of onsite construction or installation of emission control equipment or process modification; completion of onsite construction or installation of emission control equipment or process modification; and final compliance.

(r) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

§ 52.254 Gasoline transfer vapor control.

(a) The term "gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in those portions of counties contained within Sacramento Valley and San Joaquin Valley Intrastate Air Quality Control Regions in the State of California.

(c) No person shall transfer gasoline from any delivery vessel into any stationary storage container with a capacity greater than 250 gallons unless such container is equipped with a submerged fill pipe and unless the displaced vapors from the storage container are processed by a system that prevents release to the atmosphere of no less than 95 percent by weight of organic compounds in said vapors displaced from the stationary container location.

(1) The vapor recovery portion of the system shall include one or more of the following:

(i) A vapor-tight vapor return line from the storage container to the delivery vessel and a device that will ensure that the vapor return line is connected before gasoline can be transferred into the container.

(ii) Refrigeration-condensation system or equivalent designed to recover no less than 95 percent by weight of the organic compounds in the displaced vapor.

(2) The vapor-laden delivery vessel shall be subject to the following conditions:

(i) The delivery vessel must be so designed and maintained as to be vapor-tight at all times.

(ii) The vapor-laden delivery vessel may be refilled only at facilities equipped with a vapor recovery system or the equivalent, which can recover at least 95 percent by weight of the organic compounds in the vapors displaced from the delivery vessel during refilling.

(d) The provisions of this paragraph (c) of this section shall not apply to the following:

(1) Stationary containers having a capacity less than 550 gallons used exclusively for the fueling of implements of husbandry, as such vehicles are defined in Division 16 (section 36000, et seq.) of the California Vehicle Code: *provided, however,* Said containers are equipped with submerged fill pipes.

(2) Any container having a capacity less than 2,000 gallons installed prior to promulgation of this paragraph.

(3) Transfer made to storage tanks equipped with floating roofs or their equivalent.

(e) Compliance schedule: Except as provided in paragraph (f) of this section, the owner or operator of any source subject to this section shall comply with this section on or before January 31, 1974.

(1) Any owner or operator in compliance with this section on the effective date of this regulation shall certify such compliance to the Administrator no later than 120 days following the effective date of this section.

(2) Any owner or operator who achieves compliance with this section after the effective date of this section shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(f) Any owner or operator of a source subject to paragraph (e) of this section may, not later than 120 days following the effective date of this section, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with the provisions specified in paragraph (e) of this section as expeditiously as practicable but no later than June 30, 1975. The compliance schedule shall provide for increments of progress toward compliance. The dates for achievement of such increments of progress shall be specified. Increments of progress shall include, but not be limited to: submittal of final control plan to the Administrator; letting of necessary contracts for construction or process changes or issuance of orders for the purchase of component parts to accomplish emission control or process modification; initiation of onsite construction or installation of emission control equipment or process modification; completion of onsite construction or installation of emission control equipment or process modification; and final compliance.

(g) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

§ 52.255 Control of evaporative losses from the filling of vehicular tanks.

(a) The term "gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in those portions of counties contained within the Sacramento Valley and San Joaquin Valley Intrastate Air Quality Control Regions in the State of California.

(c) A person shall not transfer gasoline to an automotive fuel tank from gasoline dispensing systems unless the transfer is made through a fill nozzle designed to:

(1) Effect a vapor-tight fit between the fill nozzle and filler neck of the automotive fuel tank so as to prevent discharge of hydrocarbon vapors to the atmosphere.

(2) Direct vapor displaced from the automotive fuel tank to a system wherein at least 95 percent by weight of the organic compounds in displaced vapors are recovered.

(3) Prevent automotive fuel tank overfills or spillage on fill nozzle disconnect.

(d) The system referred to in paragraph (c) of this section can consist of a vapor-tight vapor return line from the fill nozzle-filler neck interface to the dispensing tank or to an adsorption, adsorption, incineration, or refrigeration-condensation system or equivalent.

(e) Components of the systems required by § 52.254 paragraph (c) can be used for compliance with paragraph (c) of this section.

(f) If demonstrated to the satisfaction of the Administrator that it is impractical to comply with the provisions of paragraph (c) of this section as a result of fill neck configuration, location, or other design features, the provisions of this paragraph shall not apply to tanks on vehicles existing at the time of promulgation of this regulation.

(g) The State of California shall divide all facilities subject to this section into two classes each of which taken as a whole emit approximately equal amounts of hydrocarbon materials. The classes shall be known as Class I and Class II.

(h) Except as provided in paragraph (j) of this section, the owner or operator of a source included in Class I shall comply with the increments contained in the following compliance schedule:

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification not later than March 31, 1974.

(2) Initiation of onsite construction or installation of emission control equipment or process change must begin not later than July 31, 1974.

(3) Onsite construction or installation of emission control equipment or process modification must be completed not later than March 31, 1975.

(4) Final compliance is to be achieved not later than May 31, 1975.

(5) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(i) The owner or operator of a source included in Class II shall comply with the increments contained in the following compliance schedule:

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification not later than March 31, 1975.

(2) Initiation of onsite construction or installation of emissions control equipment or process change must begin not later than July 31, 1975.

(3) Onsite construction or installation of emission control equipment or process modification must be completed not later than March 31, 1976.

(4) Final compliance is to be achieved not later than May 31, 1976.

(5) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(j) Paragraphs (h) and (i) of this section shall not apply:

(1) To a source which is presently in compliance with paragraph (c) of this section and which has certified such compliance to the Administrator by September 15, 1973. The Administrator may request whatever information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by September 15, 1973, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1975, in the case of Class I sources, and May 31, 1976, in the case of Class II sources. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(k) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (b) of this section fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

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[40 CFR Part 52]

ILLINOIS

Approval and Promulgation of Implementation Plans

Background. The transportation control plan submitted by the State of Illinois for attainment of the primary national ambient air quality standards for carbon monoxide (CO) for the Illinois portion of the Metropolitan Chicago Interstate Region (hereafter referred to as the Region) was disapproved on June 15, 1973 (38 FR 16550) because the proper procedures were not followed and because it would not have provided strategies that have the total capacity for attaining and maintaining the national standards for carbon monoxide. This notice of proposed rule making sets forth a transportation control plan which in the Administrator's judgment could be implemented to attain and maintain the national standard for CO in the Region. This plan is patterned after the submitted State proposal; however, the strategies have been modified to the extent EPA deemed necessary based on calculations showing that the State plan would not provide for attainment of the standards by May 31, 1975, as required.

If a legally adopted State plan is submitted and determined to be approvable prior to Federal promulgation, these proposed regulations will be withdrawn. Similarly, if a legally adopted State plan is submitted and determined to be approvable after Federal promulgation, then the Federal regulations will be rescinded. It is the desire of the Environmental Protection Agency that the plan to attain and maintain the CO standard in the Region be a State plan carried out by the State or its designated representative.

Pollution in the Region

The Region consists of nine counties (Cook, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, and Will) in Illinois and two (Lake and Porter) in Indiana. The Indiana portion of the plan was approved on May 31, 1972 (37 FR 10842), and therefore is not considered in this proposal.

The national primary ambient air quality standards for carbon monoxide are 9 parts per million (ppm) maximum 8-hour concentration and 35 ppm maximum 1-hour concentration. Neither standard is to be exceeded more than once per year. It is the Administrator's judgment that attainment of the national standards for carbon monoxide will provide an adequate safety margin for the protection of public health and will guard against known and anticipated adverse effects on public welfare, as required by the Act.

The basis for determining the required carbon monoxide emission reduction in the Region was air quality data obtained during 1971 at the Continuous Air Monitoring Program (CAMP) Station located in the Chicago Central Business District (CBD). On June 4, 1971, an 8-hour concentration of 22.9 ppm was measured. This was the highest measurement in the base year of 1971. The next highest concentration in the base year occurred on June 1 and again on June 4, when 18.1 ppm of CO was measured for an 8-hour period. This concentration was twice the standard of 9 ppm. Assuming air quality concentrations to be directly proportional to emission rates, a reduction of 50 percent

$$\left[\frac{(18.1-9)}{18.1}\times 100\right]$$

in air quality concentration and therefore in emission rates is required between 1971 and 1975 in order to ensure that the standard will not be exceeded.

Based on data on VMT and average speeds from the Chicago Area Transportation Study (which divides the CBD into 12 approximately quarter-mile zones and the rest of the area into zones of 1 square mile or larger), the 1971 CO emission density of 31,800 kilograms/square mile-day for the CBD appears to be the highest of any place in the Region. Since a 50 percent reduction in the emission rate was determined to be necessary based upon the air quality data, a "safe emission density" (maximum emission rate that will allow attainment of the standards) for 1975 was calculated to be 15,900 kg/square mile-day. Again assuming that the CO concentration in a given area is directly proportional to the CO emission rate for that area and applying the same air quality concentration to emission rate ratio calculated for the CBD to all other zones, it appears that the Federal Motor Vehicle Control Program and the Chicago Vehicle Inspection Program will enable all zones except the CBD to achieve the CO standards by May 31, 1975, as these strategies will permit all non-CBD zones to fall below the calculated "safe emission density" by mid-1975.

Accordingly, this proposed plan relates primarily to reductions in CO concentrations in the CBD. Studies available to the Administrator indicate that a 37 percent reduction in 1971 CO emissions can be achieved by 1975 through the impact of the Federal Motor Vehicle Control Program. This estimate takes into account the impact of the 1975 interim emission standards as set forth by the Administrator on April 11, 1973. The additional 13 percent reduction of CO emissions that must occur between 1971 and 1975 must be accomplished by reducing by approximately 21 percent the 1975 CO emissions that would occur if no strategy were implemented. We believe this reduction can be achieved by the strategies described below.

Summary of Proposal

The first proposal would cause a vehicle emission inspection system to be instituted for all vehicles both owned and operated in Cook, DuPage, and Lake Counties. In this way, more vehicles coming into the CBD will be in compliance with the applicable emission standards. The standards used will be those promulgated in the City of Chicago Ordinance, made effective June 1, 1973.

The second proposal would prohibit on-street parking in the CBD on one side of all one-way streets and on both sides of all two-way streets, except those streets in Grant Park where parking is currently permitted. This strategy will improve traffic flow or average vehicle speed in the CBD and thereby reduce CO emission rates. To counteract any increase in VMT as a result of the improved traffic flow, a regulation requiring a permit for construction of any off-street parking facility is proposed.

Proposed Control Strategy

The State's proposed plan indicated that 60 percent of all vehicle miles traveled in the Chicago CBD are by Chicago-registered vehicles. As the Technical Support Document shows, a 10 percent reduction of carbon monoxide emissions could be expected from a vehicle inspection program applied to 100 percent of the vehicles. Since the Chicago program, if applied only to Chicago-registered vehicles as anticipated, will affect only 60 percent of the VMT in the CBD, implementation thereof can be

expected to achieve only a 6 percent reduction in CO emissions.

The proposed strategy would extend the inspection system to all vehicles both owned and operated in Cook, DuPage, and Lake Counties. It is estimated that 90 percent of VMT in the Chicago CBD are due to vehicles owned and operated in these counties so that such extension would reduce 1975 CO emissions by approximately 9 percent on an annual basis in the CBD.

The State's proposed plan assumed that opening up an additional lane of traffic on one-way streets by prohibiting parking on one side would increase the average vehicle speed by 10 percent on those streets. The Environmental Protection Agency analysis indicates that this increase in average speed will reduce emissions by 10 percent on those streets. Since one-way streets comprise only about half of the CBD roadways, a 5 percent overall reduction in 1975 emissions can be anticipated. This conclusion, of course, assumes that vehicular traffic will not increase as the capacity of the CBD streets is increased.

To increase the effect of this strategy, it is proposed that parking be restricted on both sides of two-way streets as well. Traffic flow on all streets in the CBD should thus be improved, so that the total 1975 CO emission reduction can be expected to be 10 percent. This strategy will, coincidentally, remove parking spaces available for over 8,000 vehicles if no new off-street parking facilities are made available in the CBD.

To prevent an increase in VMT because of better traffic flow, the third proposal requires that no new parking facilities be allowed in the CBD without first receiving the approval of the Administrator of EPA, or of an authorized agency. The combination of parking restrictions is expected to reduce light-duty vehicle miles traveled by slightly more than 3 percent. Although the cumulative percentage is greater than the 21 percent required, the changing base factor requires a combination of all the above proposals to achieve the 21 percent reduction in 1975 CO emissions necessary to achieve the ambient air quality standards.

The strategies summarized above are similar to the State's proposal, but the scope has been extended. Each can be implemented by the time the standards must be attained. These are the chief reasons for their proposal at this time. However, other strategies that may be considered are special controls on taxi cabs, the designation of bus and carpool lanes on certain streets, reduction of off-street parking spaces, and other methods of reducing vehicle miles traveled.

Following is a compilation of the effects of the proposed strategies in the CBD.

		Calculated total emissions in the CBD	Calculated emission density in the CBD
1971	Uncontrolled emissions	103,000 kg/day	31,800 kg/mi²/day.
1975	Expected emissions with only Federal Motor Vehicle Control Program applied	65,000 kg/day	
	Expected emission reduction from on-street parking restrictions (increase in speed and coincidental reduction in VMT)	−8,400kg/day	
1975	Resulting emissions	56,600 kg/day	17,500 kg/mi²/day.
	Expected emission reduction from inspection/maintenance program	−5,100 kg	
		−5,100kg/day	
1975	Resulting emissions	51,500 kg/day	15,900 kg/mi²/day.

Presently available information indicates that the proposed parking restrictions are needed to attain the standards by mid-1975. As the effects of the Federal Motor Vehicle Control Program assume a greater impact on the vehicle population because of replacement, continued implementation of the proposed parking prohibitions may not be warranted. Therefore, a periodic analysis of the extent of this impact will be made, and certain of such parking regulations may be rescinded as a result. In order to make this analysis, it will be necessary to obtain additional air quality data throughout the CBD as well as data regarding traffic responses to the regulations.

Additional technical information is contained in "Technical Support Document for the Proposed Transportation Control Plan for the Illinois Portion of the Metropolitan Chicago Interstate Air Quality Control Region," available in the Region V Office, U.S. Environmental Protection Agency, 1 North Wacker Drive, Chicago, Illinois 60606, and the Freedom of Information Center, EPA, 401 M Street SW., Washington, D.C. 20460.

Social and Economic Impact of the Plan

The cost of the inspection system for Chicago-registered vehicles has already been passed on to the owners in the form of an increased vehicle registration fee. It is expected that the minimal cost of inspecting non-Chicago-registered vehicles will also be passed to the vehicle owner. Operating costs for the Chicago inspection system have been estimated to be approximately $2.00 per vehicle per year. This does not include the cost of the necessary maintenance.

The parking restrictions may cause some diminution in revenue from short-term parking meters. At the same time, additional resources will be needed to ensure local enforcement of the restrictions. Those who drive into the CBD and park on the streets will be required to locate off-street parking or use another mode of transportation, preferably mass transit. Deliveries and pick-ups will be required to be made off the street or at non-prohibited hours in order to keep the curb lane of the streets open to traffic. Because these social and economic impacts may be of comparatively short-term duration (see paragraph on proposed strategy above), it is concluded that they will not be too onerous.

Basis for Estimation of Strategy Effectiveness

The stringency of the strategies proposed herein are based on two conservative assumptions, which were made in the absence of conclusive substantiating data. If, prior to the scheduled date of implementation, it can be demonstrated that these assumptions are incorrect, the regulations may be modified accordingly.

The first such assumption concerns the overall degree of effectiveness of an inspection/maintenance system. The EPA position on the effectiveness of the Chicago inspection system is based on test data obtained by EPA in evaluating the initial emission reductions achieved when a fleet of pre-control and controlled light-duty vehicles were subjected to emission inspection tests and the vehicles failing the test were serviced in private maintenance garages. It is expected that in an actual inspection/maintenance program the average emission reductions achieved will be substantially less than the initial reductions observed in the study because of the deterioration of emission-related components and adjustments between periodic inspection and maintenance events. While the currently available data on such deterioration are inadequate to accurately predict the consequences of this effect, some allowance for deterioration is necessary. Therefore, considering the current frequency of voluntary maintenance and the emission reductions typically achieved by existing maintenance procedures, it has been assumed that linear deterioration to premaintenance emission levels will occur over the 12-month period following maintenance. Consequently, the average effectiveness for an annual inspection is estimated to be one-half of the initial effectiveness following maintenance. EPA is presently studying that effect to verify this assumption.

The second such assumption concerns the increase in vehicle speed that can be expected in the CBD from implementation of parking restrictions. It is known that CO emissions from gasoline-powered vehicles decrease with increases in average speeds. If a change in average speed is known, then the change in CO emissions can be approximated based on empirical data. However, it is difficult to predict the effect on average speed in the Chicago CBD produced by on-street parking restrictions. Typical speed/volume relationships have been ascertained for urban arterials and rural roads; however, differences in the functions and services of CBD streets cause major difficulties in attempting to effect a correlation to these relationships. It has been assumed that the parking restrictions proposed will result in a 10 percent increase in speed in the network. If a study on the effects of the proposed

parking limitations in the Chicago CBD demonstrates that a greater increase in speed will result, the need for such stringent parking restrictions may be obviated. The proposed regulation allows time to evaluate the effects of the prohibition of parking on one-way streets prior to implementation of the total ban. However, in the absence of such information, the Agency is constrained currently to follow the conservative approach.

PUBLIC COMMENTS SOLICITED

A public hearing will be held on this proposal on July 27, 1973, at 9:30 a.m. in the San Juan-Kingston Room, Sheraton Chicago Hotel, 505 North Michigan Avenue, Chicago, Illinois.

Interested persons may participate in this rule-making process by submitting oral or written comments at such hearing or written comments within 30 days of this publication addressed to the Hearing Officer on Transportation Control Plans for the State of Illinois, EPA, 1 North Wacker Drive, Chicago, Illinois 60606. All relevant comments will be considered by the Administrator, together with the remainder of the entire hearing record and the proposed plan. Receipt of written comments will be acknowledged. Substantive responses to individual comments will not be provided. The changes proposed by this notice of proposed rule making are issued under the authority of sections 110(c) and 301(a) of the 1970 Clean Air Act (42 U.S.C. 1857 et seq.).

Dated: July 6, 1973.

ROBERT W. FRI,
Acting Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40, of the Code of Federal Regulations as follows:

Subpart O—Illinois

1. Subpart O is amended by adding §§ 52.731, 52.732, and 52.733 as follows:

§ 52.731 Regulation for the inspection and maintenance of vehicles.

(a) Definitions:

(1) "Inspection and maintenance program" means a program to reduce emissions from in-use vehicles through identifying vehicles that need emission control related maintenance and requiring that such maintenance be performed.

(2) "Vehicles-for-hire" means any vehicle used solely for the purpose of providing transportation for a fee or charge such as taxicabs, limousine services and the like.

(3) "Spark ignition powered motor vehicle" means every self-propelled over-the-road vehicle that is powered by a spark ignition type of internal combustion engine, including but not limited to engines fueled by gasoline, propane, butane and methane compounds.

(4) All other terms used in this section that are defined in Part 51, Appendix N of this chapter, are used herein with the meanings so defined.

(b) This regulation is applicable in Cook, Du Page and Lake Counties.

(c) The State of Illinois shall establish an inspection and maintenance program applicable to all light- and heavy-duty spark ignition powered motor vehicles both owned and operated on the streets, roads and highways within Lake and Du Page Counties under its ownership or control. The City of Chicago shall establish an inspection and maintenance program applicable to all light- and heavy-duty spark ignition powered motor vehicles both owned and operated on the streets, roads and highways under its ownership and control. The County of Cook shall establish an inspection and maintenance program applicable to all light- and heavy-duty spark ignition powered motor vehicles both owned and operated on the streets, roads and highways outside the city limits of Chicago under the ownership and control of the county. No later than March 1, 1974, each governmental entity shall submit to the Administrator a legally enforceable inspection and maintenance program which shall include:

(1) Provisions for inspection of all motor vehicles at periodic intervals no more than 1 year apart by means of an idle test, except that Chicago-registered vehicles-for-hire shall be inspected at intervals of no more than 4 months. Said provisions shall require that the inspection and maintenance necessary to achieve compliance of all motor vehicles subject to this section be completed on or before May 31, 1975.

(2) Provisions for inspection criteria based on those idle exhaust emission standards set forth in section 17-2A.2 of the Environmental Control Ordinance, Chapter 17 of the Municipal Code of Chicago, effective June 1, 1973, in the City of Chicago.

(3) Provisions to ensure that failed vehicles receive the maintenance necessary to achieve compliance with the inspection standards. These shall include sanctions against individual owners and repair facilities, retest of failed vehicles following maintenance, a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts and knowledge to perform the tasks satisfactorily, and such other measures as may be necessary or appropriate.

(4) A program of enforcement to ensure that vehicles are not intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. This might include spot checks of idle adjustments and/or a suitable type of physical tagging.

(5) Designation of an agency or agencies responsible for conducting, overseeing, and enforcing the inspection and maintenance program. Private parties may be designated to conduct parts of the program to certify compliance.

(d) After May 31, 1975, no governmental entity shall register, nor shall the State register or allow to operate on its streets or highways any motor vehicle subject to this section which does not comply with the applicable exhaust emission standards, as defined in paragraph (c)(2) of this section. This shall not apply to the initial registration of a new motor vehicle.

(e) After May 31, 1975, no person shall cause, permit or allow the resale, rental, use or operation of any spark ignition powered motor vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(f) The State of Illinois, Cook County, and the City of Chicago each shall submit no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce an inspection and maintenance program pursuant to paragraph (c) of this section including:

(1) Identification of elements to assure enforceability which may be a statement of present authority and implementing regulations or, if needed, drafts of proposed rulemaking.

(2) The date by which necessary equipment will be ordered.

(3) An identification of the sources and amounts of funds for the program.

(4) Other necessary provisions to carry out the program.

(g) Failure to comply with any provisions of this section shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act.

§ 52.732 Regulation for restriction of on-street parking/standing.

(a) Definitions:

(1) "Chicago Central Business District" means that area within the City of Chicago bounded by and including Chicago Avenue on the North, Lake Shore Drive on the East, Roosevelt Road on the South, and Halsted Street on the West.

(2) "Standing of motor vehicle" means any stopping of a motor vehicle, except when necessary to load or unload passengers or to avoid conflict with other traffic or to comply with the directions of a police officer or traffic control sign or signal.

(3) "Vehicles-for-hire" means any motor vehicle used solely for the purpose of providing transportation for a fee or charge such as taxicabs, limousine services and the like.

(b) This regulation is applicable within the Chicago Central Business District.

(c) The State of Illinois, the County of Cook, and the City of Chicago, shall each prohibit on-street parking and standing on the streets, highways, and roads over which it has ownership or control between the hours of 6:30 a.m. and 6:30 p.m., Mondays through Saturdays, on one side of each one-way street beginning on January 1, 1974, and on each side of two-way streets beginning on January 1, 1975. This shall not apply to streets in Grant Park where parking is permitted as of June 15, 1973.

(d) No person shall cause, permit, or allow the parking or standing of any motor vehicle where prohibited pursuant to paragraph (c) of this section.

(e) On or before October 15, 1973, the City of Chicago shall submit a legally enforceable program for implementing the restrictions contained in paragraph (c) of this section. This program shall include:

(1) Designation of the side of one-way streets on which parking and standing shall be prohibited;

(2) Designation of limited areas where vehicles-for-hire and mail trucks may stand;

(3) Schedule for installing no-parking/no-standing signs as appropriate; and

(4) Program for State and local enforcement of the parking and standing prohibited including but not limited to towing away those vehicles parking or standing in violation of a prohibition or subjecting the owner to a fine of up to $100, or both.

(f) Failure to comply with any of the provisions of this paragraph shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act.

§ 52.733 Management of parking supply.

(a) Definitions:

(1) "Construction" means fabrication, erection, or installation of a parking facility, or any conversion of land to use as a facility.

(2) "Modification" means any change to a parking facility which increases the motor vehicle capacity of such facility.

(3) "Enlargement" means any physical change or addition to a parking facility which increases the motor vehicle capacity of such facility.

(4) "Commenced" means that an owner or operator has undertaken a continuous program of construction, modification or enlargement.

(5) "Parking facility" (also called "facility") means any facility, building, structure, or lot or portion thereof used primarily for temporary storage of motor vehicles.

(6) "Central Business District" means that area within the City of Chicago bounded by and including Chicago Avenue on the North, Lake Shore Drive on the East, Roosevelt Road on the South, and Halsted Street on the West.

(b) This regulation is applicable in the Chicago Central Business District.

(c) No person, after August 15, 1973 shall commence construction of any new parking facility or the modification or enlargement of any existing parking facility until he has first received from the Administrator or from an agency approved by the Administrator a permit stating that construction, modification or enlargement of such facility will not interfere with the attainment or maintenance of applicable Federal air quality standards.

(d) In order for any agency to be approved by the Administrator for purposes of issuing permits for construction of any new parking facility or any modification or enlargement of any existing parking facility, such agency shall demonstrate to the satisfaction of the Administrator that:

(1) Requirements for permit applications and issuance have been established. Such requirements shall include but not be limited to a requirement that before a permit may be issued the following findings of fact or factually supported projections must be made:

(i) The location of the facility.

(ii) The total motor vehicle capacity before and after the construction, modification, or enlargement of the facility.

(iii) The normal hours of operation of the facility and the enterprises and activities which it serves.

(iv) The number of people using or engaging in any enterprises or activities that the facility will serve.

(v) The number of motor vehicles using the facility on an average hourly basis and a peak hour basis.

(vi) A projection of the geographic areas in the community from which people and motor vehicles will be drawn to the facility. Such projections shall include data concerning the availability of public transit from such areas.

(2) Criteria for issuance of permits have been established and published. Such criteria shall include but not be limited to:

(i) Full consideration of all facts contained in the application.

(ii) Provisions that no permit shall be issued if such permit will result in the increase of VMT within any area the air quality of which fails to meet applicable Federal air quality standards.

(3) Agency procedures provide that no permit for the construction, enlargement, or modification of a facility covered by this section shall be issued without notice and opportunity for public hearing. The public hearing may be of the legislative type; the notice shall conform to the requirements of § 51.4(b) of this chapter, and the agency rules of procedure may provide that if no notice of intent to participate in the hearing is received from any member of the public (other than the applicant) prior to 7 days before the scheduled hearing date, no hearing need be held. Such a requirement, if imposed, shall be noted prominently in the required notice of hearing.

[FR Doc.73-14268 Filed 7-13-73;8:45 am]

[40 CFR Part 52]

UTAH

Approval and Promulgation of Implementation Plans

BACKGROUND. On May 31, 1972 (37 FR 19842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with specific exceptions, State plans for implementation of the national ambient air quality standards. On this date, the Governor of Utah was advised that in order to complete the requirements of §§ 51.11(b) and 51.14, a transportation and/or land use control strategy for the Wasatch Front Intrastate Air Quality Control Region (hereinafter, the Wasatch Front Region) was to be submitted to the Administrator by February 15, 1973.

On January 31, 1973, the United States Court of Appeals for the District of Columbia Circuit found that the Administrator did not conform to the strict requirements of the Clean Air Act of 1970 in permitting several States to delay submission of transportation control portions of their implementation plans until February 15, 1973, and in granting extensions until mid-1977 for attainment of the national primary ambient air standards without following the procedures established in section 110, 42 U.S.C. § 1857c-5(e). Accordingly, the court ordered that the Administrator rescind the extension granted the States for implementation of the transportation and/or land use control portion of their implementation plans. The affected States, including Utah, were required to submit a control plan by April 15, 1973. The plan was to show attainment of the national ambient air quality standards for photochemical oxidants (hydrocarbons) and carbon monoxide as expeditiously as possible but not later than May 31, 1975.

This proposal results from the failure of the State of Utah to submit an acceptable control plan for the attainment and maintenance of the national primary ambient air quality standard for carbon monoxide in the Wasatch Front Region by that date. It sets forth an emission control plan designed to reduce the expected 1975 emissions of carbon monoxide in the central business districts of the three principal cities located within the Wasatch Front Region by approximately one-half in order to meet the ambient air quality standards for carbon monoxide by May 31, 1975.

POLLUTION IN THE WASATCH FRONT REGION

The most densely populated area in the State of Utah, and consequently the area with the most extensive vehicular traffic, lies at the eastern edge of the Wasatch Front Region and consists roughly of an 80-mile north-south zone that centers on Salt Lake City and extends from Provo in the south to Ogden in the north. The western half of the Wasatch Front Region is sparsely populated, being dominated by the Great Salt Lake Desert. In 1970, approximately 80 percent of the population of this Region was distributed among the three principal cities as follows: Salt Lake City, 175,885; Ogden, 69,478; and Provo, 53,131.

The cities of Salt Lake, Ogden, and Provo all lie at the eastern edge of the Great Salt Lake Basin and are subject to the same large-scale meteorological systems. In addition, the topographical features of the area form a smaller natural basin extending from Salt Lake City to Provo, within which locally generated pollutants tend to be confined. This basin is bordered on the east by the Wasatch Mountain Range and on the west by the Oquirrh Mountain Range. Within this basin, Salt Lake City and Provo are separated topographically by

a line of low hills. At its northern end, the valley opens toward the northwest to the Great Salt Lake. Pollution problems associated with motor-vehicle-generated carbon monoxide become acute during the fall and winter seasons on occasions when the air becomes very stable so that the vertical transfer of pollutants is severely restricted and winds are generally light and variable. Typically, these conditions develop during periods when anticyclones become stationary over the region.

The primary national ambient air quality standard for photochemical oxidants is 160 $\mu g/m^3$ (0.08 part per million (ppm) average) for a 1-hour period not to be exceeded more than once per year. The standard, promulgated on April 30, 1971 (36 FR 8186), is intended to avoid the adverse effects on the visual and respiratory systems that have been observed on days when estimated hourly average concentrations of photochemical oxidants reached 0.10 ppm. A level of 0.08 ppm was therefore judged necessary by the Administrator to protect public health with an adequate margin of safety, as required by the Act.

The highest recorded 1-hour average concentration of oxidants in the Region was 0.118 ppm. This concentration was reached in Salt Lake City in 1970 and 1972, and in Ogden in 1970. The highest concentration reached in Provo was 0.101 ppm in 1970. The second highest levels were also 0.118 ppm in Salt Lake City (1970 and 1972) and Ogden (1970). The second highest level reached in Provo was 0.077 ppm in 1970.

The primary national ambient air quality standards for carbon monoxide are 35 ppm average for 1-hour and 9 ppm average for 8 hours, each to be exceeded no more than once per year. These standards are intended to prevent adverse effects caused by the absorption of carbon monoxide by blood hemoglobin.

The highest and second highest 1-hour and 8-hour carbon monoxide concentrations recorded in each of the three cities are shown in the following table. The second highest 8-hour concentrations listed in the table are based on non-overlapping 8-hour periods.

HIGHEST AND SECOND HIGHEST CARBON MONOXIDE CONCENTRATIONS

(ppm)

	Salt Lake City	Ogden	Provo
1-hour average:			
1970 highest	39	----------	21
2nd highest	36	----------	20
1971 highest	35	30	17
2nd highest	35	27	36
1972 highest	61	65	20
2nd highest	57	47	28
8-hour average:			
1970 highest	23	----------	13
2nd highest	22	----------	9
1971 highest	24	18	21
2nd highest	20	17	20
1972 highest	41	34	18
2nd highest	21	14	16

SUMMARY OF CONTROL REQUIREMENTS

The best information available to the Administrator indicates that the anticipated decrease in motor vehicle hydrocarbon and carbon monoxide emissions due to the on-going Federal Motor Vehicle Control Program (FMVCP) will be insufficient to permit meeting the national standards by May 31, 1975. This information indicates further that additional control measures adequate to ensure meeting the 8-hour carbon monoxide standard will automatically ensure meeting both the 1-hour carbon monoxide standard and the standard for photochemical oxidants. Accordingly, the additional control measures proposed herein are evaluated in terms of the reductions in carbon monoxide emissions that will be reluired to meet the 8-hour carbon monoxide standard.

Studies have indicated that, with the exception of freeway traffic, the density of emissions from motor vehicles falls off sharply outside the downtown areas of the three cities. On this basis, it was decided that the most critical areas requiring the development of control plans were the central business districts of the cities. These are also the ones being monitored for air quality. In these downtown areas, in addition to the reductions obtained from the FMVCP, it will be necessary to further reduce emissions in order to meet the 8-hour standard by May 31, 1975. The reductions required for the three cities are shown in the following table. In arriving at these estimates the year in which the highest second-highest 8-hour average carbon monoxide concentration occurred was used as the base year.

SUMMARY OF EMISSION PROJECTIONS

CARBON MONOXIDE

(kg/8-hr/mi²)

	Salt Lake City	Ogden	Provo
Base year (Salt Lake City, 1970; Ogden and Provo, 1971)	10,984	7,160	6,152
May 31, 1975, with existing regulations (FMVCP)	9,765	7,036	5,698
Maximum allowable emissions	4,493	3,791	2,768
Required reduction from May 31, 1975, projection, %	54%	46%	51%

Emission density maps indicate that ambient concentrations of carbon monoxide in the Region outside of these areas either now meet the 8-hour standard or will do so by May 31, 1975, as a result of the anticipated decrease in motor vehicle emissions resulting from the FMVCP and from controls proposed herein for the general reduction of emissions from older vehicles.

The requirements for additional emission reductions are not so severe as to preclude the existence of a variety of control strategies for effecting such reductions, so that the Administrator has had some freedom to choose strategies on the basis of their cost-effectiveness and their impact on other aspects of life in the Wasatch Front area. The strategies that follow have been chosen to be, insofar as possible, in consistent conformance with the expressed policies and preferences of the Division of Health of the State of Utah. No control plan will be promulgated in final form, however, until the opportunity for public participation and debate, including public hearings, has taken place. The measures being proposed today are subject to change, although they represent EPA's best judgment of the most reasonable methods currently available to meet air quality standards; however, they may be amended, other measures may be added, or entirely new measures may be chosen in their place if the comments received on this Notice, or EPA's own reexamination of the problem, indicate that such a course would be desirable.

TRANSPORTATION CONTROL ALTERNATIVES

The emissions of carbon monoxide affecting ambient concentrations within the areas of concern come almost entirely from motor vehicle sources, so that reductions required beyond those provided by the FMVCP will need to be effected by transportation controls that reduce total motor vehicle emissions. The two general types of transportation controls available are those that reduce the average emissions per mile of vehicle travel, and those that reduce the number of vehicle miles traveled (VMT).

Vehicle emission reductions include an inspection and maintenance system to ensure the adequate performance of vehicle emission controls and the provision for requiring control devices on pre-1975 light-duty vehicles. These general controls are supplemented by programs for improving traffic flow within selected areas. The VMT-reducing strategy recommended is the continued development of public transportation systems coupled with steps to encourage their public acceptance and use, including parking changes, a limitation on gasoline sales, a conversion of certain lanes of major streets to bus and car pool use, and a ban on parking lot construction. Although the proposed date for full implementation of the high altitude efficiency modification program and air bleed program is July 1, 1976, the possibility of accelerating both programs will be actively explored before final promulgation.

PROPOSED CONTROLS ON MOBILE SOURCE EMISSIONS

The following controls to reduce emissions from a vehicle-mile of travel are proposed.

All light-duty gasoline-powered vehicles registered within the Region will be required to be inspected twice a year by means of an idle-mode emission test, which is a relatively inexpensive testing procedure. Vehicle owners will be required to obtain any maintenance necessary to ensure that all pollution control devices on the vehicle work properly and that the vehicle operates at low pollution levels.

The installation of an intake manifold air bleed device will be required on all pre-1968 model year light-duty gasoline-powered vehicles registered within Weber, Davis, Salt Lake, and Utah Counties. This type of device increases the air fuel ratio by metering additional air to the intake manifold in accordance with intake manifold vacuum.

The installation of an approved high altitude efficiency modification device will be required on all 1968–1974 light-duty gasoline-powered vehicles registered within Weber, Davis, Salt Lake, and Utah Counties.

Further reductions in emissions per VMT will be achieved by traffic flow improvements. The State of Utah is in the process of installing a computer-operated central signal system to improve traffic flow as part of its plan to meet air quality standards within downtown Salt Lake City. It is assumed that this system will be fully operational by May 31, 1975.

To improve traffic flow in Provo, angle parking will be prohibited on Center Street from 500 West Street to 100 East Street. This restriction will allow traffic to move in two lanes in each direction and will also provide left turn lanes, thus increasing average vehicle speed, which, in turn, decreases emissions of carbon monoxide.

Although EPA proposes the installation of emissions control devices on all pre-1975 gasoline powered light-duty vehicles within the Region, a possible alternative control strategy for these vehicles would be to ban their operation from certain defined areas unless they were equipped with the required control devices.

Proposed Reductions in VMT

Some reductions in VMT throughout the three cities are expected to be achieved in part by increased use of public transportation systems. Since the carbon monoxide problem has been identified principally with the downtown areas of Salt Lake City, Ogden, and Provo, the VMT-reducing controls proposed to effect the balance of the reductions required are directed toward limiting traffic in these specific areas.

To accomplish these reductions, the proposed regulations provide for parking restrictions within critical areas during peak traffic hours, conversion of certain motor vehicle lanes of major streets to the exclusive use of buses and car pools, gasoline limitations, and a ban on parking lot construction.

It is anticipated that the completion of a bypass in 1974 will result in a decrease of VMT within the business district of Ogden. The estimated effect of this decrease in VMT on emissions has been incorporated into the control strategies for this area.

Other VMT reduction measures, for which no regulatory language has been included, will also be considered as part of this rule making proceeding. In particular, the advisability of limiting or reducing the number of parking spaces in central business districts will be explored.

The final promulgation may include these or other measures not explicitly proposed today, if at the time of final promulgation they appear to be the most practical ways of achieving air quality standards.

The Administrator recognizes that there must be adequate alternative transporation if the controls on vehicle use are in fact to have a beneficial effect rather than become a burden. The Administrator is not proposing regulations to specifically assure such alternatives because, on the basis of studies presently available, it appears that the best alternatives are among those not appropriately established by Federal regulations, and because plans to improve transit service and to increase free shuttle bus service in downtown Salt Lake City are already underway. It is also anticipated that the restraints will prompt a variety of private decisions relative to work hours, car pooling, and similar matters that will operate to ameliorate their adverse impact.

Summary of the Effect of Transportation Controls

The following table is a summary of the effect of each of the proposed controls on emissions in the downtown areas of Salt Lake City, Ogden, and Provo.

COMPILATION OF CONTROL STRATEGY EFFECTS ON CARBON MONOXIDE EMISSIONS IN 1976

Control Strategy	Reduction in 1970 Carbon Monoxide Emissions Attainable in 1975, in addition to the Federal Motor Vehicle Control Program (Percent)		
	Salt Lake City	Ogden	Provo
1. Inspection/Maintenance	14	14	14
2. Air Bleed (Pre-1968)[1]	17	17	17
3. High Altitude Modification (1968–1974)[1]	13	13	13
4. Traffic Flow Improvements			
a. Computerized signal system	7	----	----
b. Curb parking restrictions	3	----	----
c. By-pass	----	1	----
d. Change from diagonal to parallel parking	----	----	7
5. VMT Reductions			
a. Mass transit system	1	1	1
b. Bus/car pool lanes	4	1	1
c. Gasoline limitations	6	6	6
Total Reductions	65	53	59
Reductions Required	54	46	51

[1] Fully implemented by July 1, 1976; therefore, VMT reductions are needed as reasonably available alternatives by 1975.

Thus the regulations proposed herein, as their effects are presently projected, appear adequate on the basis of current knowledge for meeting the national ambient air quality standards for carbon monoxide and oxidants (hydrocarbons) by June 30, 1976. The Agency proposes to grant a 13-month extension for the air bleed and high altitude modification strategies.

Additional technical information is contained in "Technical Support Document for the Proposed Transportation Control Strategy for the Wasatch Front Intrastate Air Quality Control Region," available from the Region VIII Office, Environmental Protection Agency, Suite 900, 1870 Lincoln Street, Denver, Colorado 80203, and the Freedom of Information Center, EPA, 401 M Street, S.W., Washington, D.C. 20460.

Economic and Social Impact of the Transportation Control Plan

Congress recognized that achievement of the goals of the Clean Air Act would have a significant impact on many urban areas. A thorough quantitative assessment of the impact of the plan on the economic and social fabric of the community has not been possible due to the lack of time and the innate complexity of the issues. The following discussion attempts to describe the type of impacts which would occur. First, vehicle owners may have to assume the direct costs of emission abatement equipment required to bring their vehicles into compliance.

Second, reduction in the mobility of workers and consumers could have some impact on the economic fabric of the community. Third, interferences with the ability of citizens to move as freely as before may alter the life style of the Region slightly. Obviously, the severity of the impact depends on the degree of vehicle use restrictions, on the manner in which direct costs of abatement equipment are financed, and the degree to which the effects can be ameliorated by improvement of the transit system.

Since it is not possible to effect sufficient VMT reductions to meet the standards without use of other controls, all the possible combinations of controls that were considered included an inspection and maintenance program and some degree of additional emission control equipment for existing vehicles. The combination proposed requires what is believed to be the least expenditure by the individual light-duty vehicle owner that will accomplish the necessary emission reductions. No increase in gasoline consumption is anticipated as a result of the installation of the proposed control devices. The annual cost of the required inspection will probably be about $5.00, with an additional $15.00 to $25.00 required if maintenance is needed. The maintenance is, of course, desirable on its own merit, and is not viewed as a serious burden.

The installed cost of the intake manifold air bleed device is about $60.00, and the installed cost of possible options for the high altitude efficiency modification is estimated to be $20.00 to $35.00. If these costs fall directly on the individual light-duty vehicle owner, however, the specific burden will weigh more heavily on the low-income families who tend to own the older cars.

Effect on the Economic and Social Fabric of the Community

Any direct or indirect effects of the plan on the economy of the area are primarily dependent on the extent of the necessary reduction in VMT. Since the degree of restriction is relatively small, it is expected that the principal effects will be more a matter of social adjustments than of serious economic consequences.

EPA Efforts To Mitigate the Effects of Proposed Regulations

The combined effect of these proposed regulations, together with the Utah Implementation Plan, will eliminate the air pollution danger to human health and welfare that exists in the Wasatch Front area. They may, however, have adverse economic and social impacts, and the Administrator will make every effort

possible to mitigate the effects of his final promulgation. He will be in contact with the Department of Transportation and with other departments as necessary. The Administrator of EPA will request that the departments and agencies give special attention to the need for funding to provide adequate mass transit to replace the automobile travel eliminated by the proposed controls.

PUBLIC COMMENTS SOLICITED

The Administrator intends that the finally adopted plans be as responsive as possible to the needs of the Wasatch Front area; he therefore desires to obtain the comments and suggestions of the public on the problems of achieving the ambient air quality standards. Comments are particularly invited pertaining to other measures that may be taken by Federal, State, or local authorities to support or supplement these measures, and pertaining to the comparative social and economic effects of alternative pollution control measures.

A public hearing will be held on this proposal on July 27 at 10:00 a.m. in Salt Lake City at the Highway Department Auditorium.

The Administrator's final promulgation of transportation controls for the Wasatch Front Region will be influenced by the comments and testimony he receives, as well as by any further approvable strategies submitted by the State as part of the Utah Implementation Plan. These influences, and the additional analysis of alternative strategies that can be made in the time between this proposal and final promulgation, may lead the Administrator to adopt final regulations that differ in important ways from this proposal.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rule making by submitting written comments, preferably in triplicate, to the Regional Administrator, EPA, Region VIII, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203. All relevant comments received within 30 days of this date will be considered. Receipt of comments will be acknowledged, but substantive responses to individual comments will not be provided. Comments received will be available for public inspection during normal business hours at the EPA Region VIII Office and at the Freedom of Information Center, EPA, 401 M Street SW., Washington, D.C. 20460. The changes proposed by this notice with appropriate modification will be effective as noted.

This notice of proposed rule making is issued under the authority of sections 110(c) and 301(a) of the Clean Air Act.

(42 U.S.C. 1857 et seq.)

Dated: July 6, 1973.

ROBERT W. FRI,
Acting Administrator.

It is proposed to amend Part 52 of Chapter 1, Title 40, of the Code of Federal Regulations as follows:

Subpart TT—Utah

1. Subpart TT is amended by adding §§ 52.2337, 52.2338, 52.2339, 52.2340, 52.2341, 52.2342, 52.2343, and 52.2344 as follows:

§ 52.2337 Inspection and maintenance program.

(a) Definitions:

(1) "Inspection and maintenance program" means a program to reduce emissions from in-use vehicles through identifying vehicles which need emission control-related maintenance and requiring that maintenance be performed.

(2) All other terms used in this Section which are defined in 40 CFR Part 51, Appendix N, are used herein with the meanings so defined.

(b) This regulation is applicable in Davis, Salt Lake, Utah, and Weber Counties, which constitute the urban portion of the Wasatch Front Intrastate Air Quality Control Region.

(c) The State of Utah shall establish an inspection and maintenance program applicable to all light-duty vehicles which operate on streets or highways over which it has ownership or control. No later than March 1, 1974, the State shall submit legally adopted regulations to the Environmental Protection Agency establishing such a program. The regulations shall include:

(1) Provisions for inspection of all motor vehicles at periodic intervals no more than 6 months apart by means of an idle test.

(2) Provisions for inspection failure criteria consistent with the emission reductions claimed in the plan for the failure of 50 percent of the vehicles in strategy. These criteria shall include the first inspection cycle.

(3) Provisions to ensure that failed vehicles receive the maintenance necessary to achieve compliance with the inspection standards. These shall include sanctions against individual owners and repair facilities, retest of failed vehicles following maintenance, a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts and knowledge to perform the tasks satisfactorily, and such other measures as may be necessary or appropriate.

(4) A program of enforcement to ensure that vehicles are not intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. This might include spot checks of idle adjustments and/or a suitable type of physical tagging.

(5) Provisions for beginning of the first inspection cycle by June 1, 1975, and completing it by December 31, 1975.

(6) Designation of an agency or agencies responsible for conducting, overseeing, and enforcing the inspection and maintenance program.

(d) After December 31, 1975, the State shall not register or allow to operate on its streets or highways any light- or heavy-duty vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(e) After December 31, 1975, no owner of a light-duty vehicle shall operate or allow the operation of such vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c).

(f) The State of Utah shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce an inspection and maintenance program pursuant to paragraph (c) of this section, including:

(1) The text of needed statutory proposals and needed regulations which it will propose for adoption.

(2) The date by which the State will recommend needed legislation to the State legislature.

(3) The date by which necessary equipment will be ordered.

(4) A signed statement from the Governor or his designee identifying the sources and amounts of funds for the program. If funds cannot legally be obligated under existing statutory authority, the text of needed legislation will be submitted.

(g) Failure to comply with any provisions of this section shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act. With regard to compliance schedules, the State will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.2338 Air bleed to intake manifold retrofit.

(a) Definitions:

(1) The term "air bleed to intake manifold retrofit" as used in this section means a device in the intake system of the vehicle which enables the air/fuel ratio to be increased by metering additional air to the intake manifold in accordance with intake manifold vacuum advance to reduce emissions of hydrocarbons and carbon monoxide to the atmosphere.

(2) All other terms used in this section which are defined in 40 CFR Part 51, Appendix N, are used herein with the meanings so defined.

(b) This section is applicable in Davis, Salt Lake, Utah, and Weber Counties, which constitute the urban portion of the Wasatch Front Intrastate Air Quality Control Region.

(c) The State of Utah shall establish a retrofit program to ensure that on or before June 30, 1976, all gasoline-powered light-duty vehicles of model years

prior to 1968, subject under presently existing legal requirements to registration in the area defined in paragraph (b) of this section, are equipped with an appropriate air bleed to intake manifold device. No later than March 1, 1974, the State shall submit legally adopted regulations to EPA establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving such devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (c)(3) of this section are enforced.

(3) Provisions for beginning the installation of the air bleed devices by July 1, 1975, with installation of the devices on all vehicles subject to this section no later than June 30, 1976.

(4) Procedures for ensuring that those installing the retrofit devices have the training and ability to perform the needed tasks satisfactorily and will have an adequate supply of retrofit components.

(d) After July 1, 1976, the State shall not register or allow to operate on its streets or highways any light-duty vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(e) After July 1, 1976, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle which does not comply with the applicable standards and procedures implementing this section.

(f) The State of Utah shall submit no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to paragraph (c) of this section, including the text of statutory proposals and regulations which the State proposes for adoption. The compliance schedules shall also include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1974.

(g) Failure to comply with any provision of this section shall render each person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act. A State will be considered to have failed to comply with the requirements of this regulation if it fails to timely submit the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.2339 Regulation for high-altitude efficiency modification.

(a) Definitions:

(1) "High-altitude efficiency modification" means the provision of increased air flow, restricted fuel flow, or other modification having the effect of compensating for the adverse effects on combustion efficiency of decreased air density at high altitudes.

(2) All other terms used in this section which are defined in 40 CFR Part 51, Appendix N, are used herein with the meanings so defined.

(b) This section is applicable in Davis, Salt Lake, Utah, and Weber Counties, which constitute the urban portion of the Wasatch Front Intrastate Air Quality Control Region.

(c) The State of Utah shall establish a program to ensure that on or before July 1, 1976, all gasoline-fueled light-duty vehicles of model years 1968 to 1974, subject under presently existing legal requirements to registration in the area defined in paragraph (b) of this section, are equipped with an appropriate high-altitude efficiency modification. No later than March 1, 1974, the State shall submit legally adopted regulations to EPA establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving such devices for use on vehicles subject to this section.

(2) Designation of an agency for ensuring that the provisions of paragraph (c)(3) of this section are enforced.

(3) Provisions for beginning the installation of the modifications by July 1, 1975, and installation of the modifications on all vehicles subject to this section no later than June 30, 1976.

(4) Procedures for ensuring that those making modifications have the training and ability to perform the needed tasks satisfactorily and will have an adequate supply of components.

(d) After July 1, 1976, the State shall not register or allow to operate on its streets or highways any light-duty vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(e) After July 1, 1976, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle which does not comply with the applicable standards implementing this section.

(f) The State of Utah shall submit no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce a modification program pursuant to paragraph (c) of this section, including the text of needed statutory proposals and regulations which the State proposes for adoption. The compliance schedule shall also include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1974.

(g) Failure to comply with any provision of this section shall render each person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act. A State will be considered to have failed to comply with the requirements of this regulation if it fails to timely submit the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.2340 Bus/carpool lanes.

(a) Definitions:

(1) "Carpool" means a vehicle containing three or more persons.

(2) "Bus/carpool lane" means a lane on a street or highway open only to buses or buses and carpools, whether constructed specially for that purpose or converted from existing lanes.

(3) "Major street or highway" means any street or highway which meets the criteria given in paragraphs (b)(4)(ii) and (iii) of this section.

(b) This regulation is applicable in Davis, Salt Lake, Utah, and Weber Counties, which constitute the urban portion of the Wasatch Front Intrastate Air Quality Control Region (hereafter referred to as the Region).

(1) Each incorporated city within Davis, Salt Lake, Utah, and Weber Counties shall establish bus/carpool lanes on the major streets and highways (as defined herein) over which it has ownership or control, according to the schedule in paragraph (b)(4)(v) of this section.

(2) Davis, Salt Lake, Utah, and Weber Counties shall establish within the Region over which they have ownership or control, according to the schedule in paragraph (b)(4)(v) of this section.

(3) The State of Utah shall establish bus/carpool lanes on the major streets and highways (as defined herein) within Davis, Salt Lake, Utah, and Weber Counties over which it has ownership or control, according to the schedule in paragraph (d)(4)(v) of this section.

(4) Each of the governmental entities named in the previous three subparagraphs shall submit no later than October 1, 1973, a detailed compliance schedule showing the steps which it will take to establish these bus/carpool lanes and to enforce the limitations on their use, with each schedule to include the following:

(i) Each street and highway which will have bus/carpool lanes must be identified with a schedule for the establishment of the lanes.

(ii) If a street or highway has four or more traffic lanes in one direction, at least one of these lanes must be open only to buses (or buses and carpools) at all times. If only one lane is open to buses (or buses and carpools) at all times, a second lane must be open only to buses (or buses and carpools) from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m.

(iii) If a street or highway has three traffic lanes in one direction, at least one of these lanes must be open only to buses (or buses and carpools) from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m.

(iv) In unusual situations, a street or highway, or lane or segment thereof, may be exempt from these requirements if an approval of the exemption is obtained from the Administrator. The ap-

plication for exemption shall not be submitted and will not be accepted after September 1, 1973. Special circumstances justifying the need for an exemption or modification (such as inappropriateness of use by buses, designation of bicycle lanes instead, or desire to allow bus/carpool lanes to be entered briefly by other vehicles for the purpose of crossing a lane or making a right turn) must be given in detail with the application.

(v) Bus/carpool lanes must be prominently indicated by overhead signs at least once every mile, and at each intersection or entry ramp. Of the lane mileage for each of the governmental entities, 25 percent must be established and needed signs must be installed by March 1, 1974; 50 percent by June 1, 1974; 75 percent by September 1, 1974; and 100 percent by December 1, 1974.

(vi) Bus/carpool lanes must be prominently indicated by distinctive painted lines, pylons, or physical barriers.

(vii) A signed statement by the chief executive officer of each governmental entity or his designee will identify the sources and amounts of funds for all projects.

(5) Buses shall have the right of way whenever changing lanes on streets and highways with bus lanes. This shall take effect as each lane is established and identified.

(6) Buses shall be permitted to make left turns whether or not the intersection is posted for "No Left Turn" (except when a one-way street would be entered from the wrong direction). This shall take effect January 1, 1974.

(7) None of the governmental entities named in paragraph (b) of this section shall convert existing on-street parking spaces to use as motor vehicle traffic lanes unless the effect will be to increase the number of bus/carpool lanes on the affected street beyond the number otherwise required by paragraph (b) of this section, or unless the effect will be to create a bicycle lane in place of the parking spaces.

(c) Failure to comply with any provisions of this section shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. A governmental entity will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.2341 Management of parking supply.

(a) Definitions:

(1) "Construction" means fabrication, erection, or installation of a parking facility, or any conversion of land to use as such facility.

(2) "Modification" means any change to a parking facility which increases the motor vehicle capacity of such facility.

(3) "Enlargement" means any physical change or addition to a parking facility which increases the motor vehicle capacity of such facility.

(4) "Commenced" means that an owner or operator has undertaken a continuous program of construction modification, or enlargement.

(5) "Parking facility" (also called "facility") means any facility, building, structure, or lot, or portion thereof, used primarily for temporary storage of motor vehicles.

(b) This regulation is applicable in Davis, Salt Lake, Weber, and Utah Counties, which constitute the urban portion of the Wasatch Front Intrastate Air Quality Control Region.

(c) No person, after August 15, 1973 shall commence construction of any new parking facility or modification or enlargement of any existing parking facility until he has first received from the Administrator, or from an agency approved by the Administrator, a permit stating that construction, modification or enlargement of such facility will not interfere with the attainment or maintenance of applicable Federal air quality standards.

(d) In order for any agency to be approved by the Administrator for purposes of issuing permits for construction of any new parking facility or any modification or enlargement of any existing parking facility, such agency shall demonstrate to the satisfaction of the Administrator that:

(1) Requirements for permit applications and issuance have been established. Such requirements shall include but not be limited to a requirement that before a permit may be issued the following findings of fact or factually supported projections must be made:

(i) The location of the facility.

(ii) The total motor vehicle capacity before and after the construction, modification or enlargement of the facility.

(iii) The normal hours of operation of the facility and the enterprises and facilities which it serves.

(iv) The number of people using or engaging in any enterprises or activities which the facility will serve.

(v) The number of motor vehicles using the facility on an average hourly basis and a peak hour basis.

(vi) A projection of the geographic areas in the community from which people and motor vehicles will be drawn to the facility. Such projections shall include data concerning the availability of public transit from such areas.

(2) Criteria for issuance of permits have been established and published. Such criteria shall include but not be limited to:

(i) Full consideration of all facts contained in the application.

(ii) Provisions that no permit shall be issued if such permit will result in the increase of VMT within any area the air quality of which fails to meet applicable Federal air quality standards.

(3) Agency procedures provide that no permit for the construction, enlargement or modification of a facility covered by this section shall be issued without notice and opportunity for public hearing. The public hearing may be of the legislative type; the notice shall conform to the requirements of 40 CFR 51.4(b); and the agency rules of procedure may provide that if no notice of intent to participate in the hearing is received from any member of the public (other than the applicant) prior to 7 days before the scheduled hearing date, no hearing need be held. Such a requirement, if imposed, shall be noted prominently in the required notice of hearing.

§ 52.2342 Regulations for limitation of on-street parking in Salt Lake City.

(a) Definitions:

(1) The term "on-street parking" means stopping and leaving a vehicle on a street or sidewalk whether a person is in the vehicle or not.

(2) The "Salt Lake City core area" means the area bounded by and including the following streets: South Temple, 2nd East, 500 South, and West Temple.

(b) On-street parking limitations:

(1) Beginning January 1, 1974, the City of Salt Lake shall prohibit on-street parking on the streets or highways within the Salt Lake City core area over which it has ownership or control during the hours of 6:00 to 10:00 a.m. and 4:00 to 6:00 p.m. on any day other than Saturdays, Sundays, and legal holidays. The prohibition shall state that vehicles parked in violation of the prohibition shall either be towed away, or the owner shall be subject to a fine of up to $100, or both.

(2) Beginning January 1, 1974, the County of Salt Lake shall prohibit on-street parking on the streets or highways within the Salt Lake City core area over which it has ownership or control during the hours of 6:00 to 10:00 a.m. and 4:00 to 6:00 p.m. on any day other than Saturdays, Sundays, or legal holidays. The prohibition shall state that vehicles parked in violation of the prohibition shall either be towed away, or the owner shall be subject to a fine of up to $100, or both.

(3) Beginning January 1, 1974, the State of Utah shall prohibit on-street parking on the streets or highways within the Salt Lake City core area over which it has ownership or control during the hours of 6:00 to 10:00 a.m. and 4:00 to 6:00 p.m. on any day other than Saturdays, Sundays, or legal holidays. The prohibition shall state that vehicles parked in violation of the prohibition shall either be towed away, or the owner shall be subject to a fine of up to $100, or both.

(c) Each governmental entity shall by October 1, 1973, submit to the Administrator for his approval a detailed statement of the steps to be taken to post notices and otherwise effect the requirements of paragraph (b), and a schedule for their implementation that provides for full effectiveness no later than January 1, 1974.

(d) Failure to comply with any provision of this section shall render each person or governmental entity so failing to comply in violation of a requirement of

an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act.

§ 52.2343 Regulation of on-street parking in Provo.

(a) Definitions:

(1) The term "on-street parking" means stopping and leaving a vehicle on a street or sidewalk whether a person is in the vehicle or not.

(2) The "Provo core area" means the area bounded by and including the following streets: 300 North, 100 East, 400 South, and 600 West.

(b) Beginning January 1, 1974, the City of Provo shall prohibit the parking of any motor vehicle on Center Street, Provo, between 500 West Street and 100 East Street, unless such vehicle is parked parallel with the roadway in such a manner that it projects no further than 9 feet from the edge of the roadway.

(c) The City of Provo by October 1, 1973, shall submit to the Administrator for his approval a detailed statement of the steps to be taken to post notices, delineate traffic lanes, and otherwise effect the requirements of paragraph (b) of this section, and a schedule for their implementation that provides for their full effectiveness no later than January 1, 1974.

(d) Failure to comply with any provision of this section shall render each person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act.

§ 52.2344 Gasoline limitations.

(a) Definitions:

(1) The term "base year" means the consecutive 12-month period commencing on July 1, 1972, and ending June 30, 1973.

(2) The term "distributor" means any corporation, partnership, or sole proprietorship which transports or stores or causes the transportation or storage of gasoline between any refinery and any retail outlet.

(3) The term "retail outlet" means any establishment at which gasoline is sold or offered for sale to the public, or introduced into any vehicle.

(b) This section is applicable within Davis, Salt Lake, Utah and Weber Counties, which constitute the urban portion of the Wasatch Front Intrastate Air Quality Control Region (hereafter referred to as the Region), to all distributors of gasoline to any retail outlet in this area and to the owners or operators of all retail outlets in this area.

(c) Beginning July 1, 1974, the State of Utah shall implement regulations limiting the total gallonage delivered to retail outlets in the Region to the amount delivered to such outlets during the base year.

(d) In order for the State to determine the amount of gasoline delivered during the base year and years during which control is in effect, all distributors to which this section applies shall provide the State with a detailed accounting of the amount of gasoline delivered to each retail outlet in the Region during the base year and years during which control is in effect. For each year during which control is in effect, the owner or operator of each retail outlet to which this section applies shall provide the State with a detailed accounting of gasoline received from each distributor, the total amount of gasoline received from each distributor, the total amount of gasoline sold during the year, and the amount of gasoline on hand at the beginning and end of the year. The State may require any other reports as it may deem necessary for the implementation of this section.

(e) The State of Utah shall submit no later than October 1, 1973, a detailed compliance schedule showing steps it will take to establish and enforce the limitation program specified in paragraphs (c) and (d) of this section, including:

(1) The text of needed statutory proposals and needed regulations which it will propose for adoption.

(2) A date by which the State shall adopt procedures to ensure that no more than the amount of gasoline specified in paragraph (c) of this section is delivered to retail outlets in the Region. Such date shall be no later than March 30, 1974.

(3) A date by which any report necessary for establishing such procedures will be furnished to the State by the distributors. Such date shall be no later than January 1, 1974.

(4) Designation of an agency responsible for implementation and monitoring of this program.

(f) Failure to comply with any provisions of this section shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. With regard to compliance schedules, a State will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

[FR Doc.73-14269 Filed 7-13-73;8:45 am]

[40 CFR Part 52]

WASHINGTON

Approval and Promulgation of Implementation Plans

Background. The transportation control plan submitted to EPA on April 16, 1973, by the State of Washington for attainment of the primary national ambient air quality standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the Puget Sound Intrastate Air Quality Control Region and for carbon monoxide in the Washington portion of the Eastern Washington-Northern Idaho Interstate Region was approved with certain exceptions on June 15, 1973 (38 FR 16550). This Notice of Proposed Rule Making sets forth regulations that in the Administrator's judgment can be implemented in addition to the approved portions of the Washington transportation control plan to attain national standards in the two regions by May 31, 1975.

If, prior to Federal promulgation, the State of Washington submits transportation control plan revisions which will assure attainment of national standards by May 31, 1975, and which the Administrator determines are acceptable, these proposed Federal regulations will be withdrawn. If revisions to the State plan are submitted and determined to be approvable after promulgation of Federal regulations, then those regulations will be rescinded. It is the desire of the Environmental Protection Agency that the plan to attain and maintain national standards in both Regions be a State plan carried out by the State or by authorized local governments. To the greatest extent feasible, the Federal regulations proposed are designed to implement transportation control measures that are acceptable to the State and/or that received public support at the State hearings held on April 11 and 12, 1973, or that were contained in the comments submitted to EPA following EPA receipt of the State transportation control plan.

POLLUTION IN THE PUGET SOUND INTRASTATE REGION

The Puget Sound Intrastate Region encompasses the four counties of King, Pierce, Snohomish, and Kitsap. In this Region, an urbanized corridor containing over a million people and including the cities of Everett, Seattle, and Tacoma stretches the length of a north-south basin lying between the Olympic Mountains to the west and the Cascade mountains to the east. The highest valid carbon monoxide concentration measurements taken in the Puget Sound Region were recorded in the Seattle central business district during 1972. The transportation control strategy submitted by Washington, therefore, deals principally with the Seattle portion of the Region. In 1972 the 8-hour national ambient air quality standard for carbon monoxide of 9 parts per million (10 milligrams per cubic meter), not to be exceeded more than once per year, was exceeded on 107 days. The maximum 8-hour concentration recorded in Seattle in 1972 was 22 parts per million. The highest 1-hour concentration of carbon monoxide was 38 parts per million, compared to a 1-hour national ambient air quality standard of 35 parts per million. The State forecasts that by 1975 the emission reductions resulting from implementation of Federal emission standards for new cars will be sufficient to prevent the 1-hour carbon monoxide standard from being exceeded and will reduce to approximately 37 the number of days the 8-hour standard will be exceeded. In December 1972, EPA began monitoring carbon monoxide concentrations at two locations in the Seattle central business district to acquire data for use in validating a carbon monoxide dispersion model. Based on the measurements recorded thus far, concentrations higher than those recorded by the State do

occur. The ambient carbon monoxide data collected by EPA are now being evaluated; the results will be forwarded to the State upon completion of the evaluation.

The 1-hour national ambient air quality standard for photochemical oxidants of 0.08 part per million (160 micrograms per cubic meter), not to be exceeded more than once per year, was exceeded seven times during 2 days in 1972. The maximum 1-hour oxidant concentration measured was 0.14 part per million. The State indicates, but has not adequately demonstrated, that by 1975 no reductions in hydrocarbon emissions beyond those resulting from implementation of the Federal emission standards for new motor vehicles will be necessary to meet national ambient air quality standards for photochemical oxidants.

Pollution in the Eastern Washington-Northern Idaho Interstate Region

The Washington portion of the Eastern Washington-Northern Idaho Interstate Region encompasses the counties of Spokane, Lincoln, Grant, Adams, Whitman, Columbia, Garfield, and Asotin. The City of Spokane is the major urbanized area in the Region and the only location where a carbon monoxide problem has been identified. In terms of meteorological factors influencing air pollution levels, the Spokane area is protected from Pacific storms by the Cascade Mountains to the west and from Canadian storms by the Rocky Mountains to the east. The topographical features and dry climate of the area favor the formation of stable, stagnant air masses and the accumulation of air pollutants.

The highest 8-hour carbon monoxide concentration measured in Spokane was 22 parts per million, recorded during 1972. That year the 8-hour national ambient air quality standard for carbon monoxide was exceeded on 59 days. The highest 1-hour carbon monoxide concentration recorded was 40 parts per million. Based on information submitted by the State, the reduction in carbon monoxide emissions resulting from implementation of Federal emission standards for new cars will be sufficient to prevent the 1-hour carbon monoxide standard from being exceeded and will reduce to approximately 25 the number of days the 8-hour standard is exceeded.

Summary of State Plans

The measures adopted by the State for implementation in the Seattle portion of the Puget Sound Intrastate Region and in the Spokane portion of the Eastern Washington-Northern Idaho Interstate Region and submitted to EPA on April 16 include (1) annual inspection to determine emissions from and maintenance required for gasoline-powered light-duty vehicles; (2) exclusion of gasoline-powered heavy-duty vehicles from the central business districts through regulation of the hours for loading and unloading; (3) traffic-signal optimization programs to improve vehicle low; and (4) intermittent exclusion of gasoline-powered light- and heavy-duty vehicles from the central business districts as an alternative measure if the State is unsuccessful in obtaining the legal authority and funding to implement its inspection/maintenance program. Two additional measures, an "accelerated" transit plan that will include satellite parking facilities, and second-level sidewalks that will improve vehicle flow through reduction of pedestrian-vehicle conflicts, are included in the strategy for the Spokane portion of the Eastern Washington-Northern Idaho Region.

State Emission Density Calculations

In developing the transportation control strategies it submitted, the State used a proportional mathematical model to establish the maximum emission densities allowable if the 8-hour national ambient air quality standard for carbon monoxide is to be attained and maintained in the Puget Sound Intrastate and the Eastern Washington-Northern Idaho Interstate Regions. The reductions in motor vehicle carbon monoxide emissions necessary to attain the ambient carbon monoxide standard by 1975 were determined by forecasting the emission densities for that year and subtracting the allowable emission densities established by means of the proportional model. Estimates of 1975 emissions were calculated on a square mile basis for areas with high traffic densities in both Regions. Based on these calculations the State determined that the only locations where the 8-hour ambient carbon monoxide standard will be exceeded are the central business districts of Seattle and Spokane. An estimated 41 percent reduction in motor vehicle carbon monoxide emissions, in addition to the reductions achieved by implementation of the Federal emission standards for new motor vehicles, is required to attain the 8-hour national ambient air quality standard in Seattle by 1975. A 36 percent reduction in carbon monoxide emissions is required in Spokane to attain the standard.

Tabular Summary—Control Strategy Effects

The following tables summarize the effect of each of the control measures included in the strategies adopted by the State of Washington on the overall emission reductions necessary in the Puget Sound Intrastate and Eastern Washington-Northern Idaho Interstate Regions. The State estimates that the 8-hour standard for carbon monoxide can be met in the central business district of Seattle by reducing the emission density per 8-hour period to 5786 kilograms per square mile. The emission density forecast for 1975 is 9823 kilograms per square mile. The 1975 estimate takes into account the reduction in emissions from the Federal standards for new motor vehicles and assumes implementation of the transit plan adopted by the Municipality of Metropolitan Seattle.

The emission density that the State estimates will enable the attainment of the 8-hour carbon monoxide standard in Spokane is 3729 kilograms per square mile. The estimated 1975 emission density, again taking into account the reduction in emissions resulting from the Federal standards for new motor vehicles, is 5845 kilograms per square mile.

The emission reductions needed in the Seattle and Spokane central business districts can be achieved by combining either the inspection and maintenance of light-duty vehicles (alternative 1), or the intermittent exclusion of light- and heavy-duty vehicles (alternative 2) with the other emission reduction measures included in the strategy for each area. The State indicates that the intermittent exclusion procedures can be varied so that this measure alone will achieve the emission reductions required to meet the national standards for carbon monoxide.

Compilation of Control Strategy Effects of State Plans on May 31, 1975

Seattle Central Business District

Transportation control measure	Carbon monoxide reductions			
	Alternative 1		Alternative 2	
	kg/mi² -8 hr	%	kg/mi² -8 hr	%
Traffic-signal optimization	−518	5.3	−518	5.3
Exclusion of heavy-duty vehicles	−1331	13.5	−1331	13.5
Inspection and maintenance of light-duty vehicles	−2338	23.8	.....	.....
Intermittent exclusion of light- and heavy-duty vehicles	.....	.....	−3893	39.6
Total	−4187	42.6	−5742	58.4
Motor vehicle emissions forecast in 1975	9823	.....	9823	.....
Motor vehicle emissions remaining	5636	.....	4081	.....
Maximum emissions allowable to attain standard	5786	.....	5786	.....

Compilation of Control Strategy Effects of State Plans on May 31, 1975

Spokane Central Business District

Transportation control measure	Carbon monoxide reductions			
	Alternative 1		Alternative 2	
	kg/mi²- 8 hr	%	kg/mi²- 8 hr	%
Traffic-signal optimization	−170	2.9	−170	2.9
Exclusion of heavy-duty vehicles	−476	8.1	−476	8.1
Inspection and maintenance of light-duty vehicles	−1417	24.2	.....	.....
Intermittent exclusion of light- and heavy-duty vehicles	.....	.....	−2034	34.8
Accelerated transit plan	−58	1.0	−58	1.0
Second-level sidewalks	−18	0.3	−18	0.3
Total	−2139	36.5	2756	58.4
Motor vehicle emissions forecast in 1975	5845	.....	5845	.....
Motor vehicle emissions remaining	3706	.....	3089	.....
Maximum emissions allowable to attain standard	3729	.....	3729	.....

CONTROL MEASURES REQUIRED IN TACOMA

In preparing the transportation control strategy for the Puget Sound Intrastate Region, the State did not evaluate, subsequent to the rescinding of the 2-year extension by EPA, the need for additional measures to meet standards for carbon monoxide in Tacoma by 1975. The implementation plan submitted by the State in January 1972 indicated that in the central business district of Tacoma an additional 24 percent reduction in carbon monoxide emissions, beyond the reductions achieved by implementation of the Federal emission standards for new motor vehicles, is needed to attain the national ambient air quality standards for carbon monoxide by 1975. The measured concentrations upon which the need for the additional 24 percent reduction is based may be influenced by stationary sources of carbon monoxide and may not be entirely the result of motor vehicle emissions. EPA has requested the State to better define the nature of the carbon monoxide problem in Tacoma, to submit an assessment of the problem to EPA, and to submit a timetable for developing additional motor vehicle emission reduction measures if they are required.

DEFICIENCIES IN STATE PLANS

Although the types of transportation control measures adopted by the State of Washington to attain national standards are generally acceptable to the Administrator, the manner of implementation proposed for some of the measures appears questionable. Consequently, the implementation and enforcement procedures for the intermittent exclusion of light- and heavy-duty vehicles must be explicit in any resubmission to obviate promulgation of EPA proposals. Proposed surveillance procedures to determine and monitor the effectiveness of all the adopted measures must be provided by the State.

The percentage reductions in carbon monoxide emissions claimed for the traffic-signal optimization programs appear optimistic and attainable only if the forecasted improvements in traffic flow can be achieved and maintained. There is no demonstration by the State that the traffic-signal optimization programs will not eventually result in increased traffic volumes sufficient to increase carbon monoxide emissions. The Seattle Engineering Department indicates that such programs are experimental and that the reductions in vehicle stops and starts gained through implementation of the programs may be short-lived. The State did not propose any surveillance procedures to monitor the efficacy of the traffic-signal optimization programs in improving traffic flow and reducing motor vehicle carbon monoxide emissions.

The hours proposed (10 a.m. to 6 p.m.) for excluding heavy-duty vehicles from the central business districts of Seattle and Spokane do not include the period of morning peak traffic. Emissions from heavy-duty vehicles could account for a significant portion of the pollutants emitted during the period of morning peak traffic (particularly if increased heavy-duty vehicle traffic occurs during the morning peak). Loading and unloading vehicles during the period of morning peak traffic could also hinder traffic flow and increase emissions from through traffic. The regulations and administrative policies implementing this strategy must be submitted by the State to EPA no later than December 30, 1973.

There are many uncertainties associated with the intermittent exclusion of gasoline-powered motor vehicles from the central business district. As with all intermittent control systems, the exclusion measure will, if implemented, provide significant improvement in air quality, but will not provide positive assurance that the national ambient air quality standards for carbon monoxide will be attained and maintained. A prediction accuracy of 80 to 90 percent in forecasting days when ambient standards may be exceeded could still result in four to seven violations of the 8-hour standard for carbon monoxide in Seattle and four to five violations of the standard in Spokane. The ability of the State to develop a model for predicting the days when a potential for exceeding ambient standards exists is obviously the element critical to the successful implementation of the intermittent exclusion measure.

The type of inspection system the State intends to implement is not indicated in sufficient detail, nor is the geographical area identified to which the requirement for inspection will apply. A schedule detailing specific milestones, such as securing necessary funding, acquiring land and equipment, and constructing facilities, is not included in the State's submittal. It appears unlikely that the inspection system can be implemented by the State by May 31, 1975.

PROPOSED FEDERAL REGULATIONS

Because of the lack of specificity of the administrative and enforcement procedures for implementing the State program for emission inspection and maintenance of light-duty vehicles, the uncertainty concerning the emission reductions that will result from traffic flow improvements and the potential difficulties in developing a forecast capability sufficiently accurate to make intermittent exclusion of vehicles a viable control measure, Federal regulations are proposed to implement the following transportation control measures:

1. An inspection and maintenance program, using an idle emission test, for light-duty vehicles. No retrofitting is proposed as part of this measure.

2. A parking management program that will (a) immediately stabilize the amount of parking available in the portions of the Regions where there is not sufficient assurance that national standards will be attained by May 31, 1975; (b) prevent increases in parking elsewhere within the Region where such a parking increase might result in an increase in motor vehicle emission sufficient to cause national standards to be exceeded.

3. Selective exclusion of vehicles from portions of the Puget Sound Intrastate and the Eastern Washington-Northern Idaho Interstate Regions where there is not sufficient assurance that national standards will be attained by May 31, 1975, through implementation of the measures contained in the State transportation control plan.

These Federally proposed measures are intended to strengthen and supplement, not wholly replace, State-adopted transportation control measures.

A more stringent selective vehicle-use exclusion program could be implemented that would, by itself, achieve the needed reductions in motor vehicle emissions. The more stringent program would necessitate those entering the central business districts of Seattle and Spokane to find alternative means of transportation, other than their own automobiles, approximately once every week rather than once every two weeks as would be necessary under the currently proposed program.

Other measures are available to EPA and to the State that will, if implemented, assist in achieving a reduction in motor vehicle emissions equivalent to that resulting from the three proposed measures. In the State of California, for example, EPA is proposing regulations that will require the establishment of a system of traffic lanes for the exclusive use of buses and car pools. The proposed regulations require that, for streets having four or more traffic lanes in one direction, at least one lane must be designated for use only by buses or by buses and car pools with an additional lane during rush hours. In the case of a street or highway with only three lanes in one direction, at least one of the lanes must be open only to buses or buses and car pools from 6:30 to 9:30 a.m. and from 3:30 to 6:30 p.m.

If Federal promulgation of any of the regulations is necessary, the selection of the measures to be implemented will be based to the greatest extent possible on testimony presented at the public hearing held prior to Federal promulgation. The first two Federally proposed measures, the inspection and maintenance program and the parking management program, did receive support in testimony presented at the public hearings held by the State. Although the third measure, a selective vehicle use exclusion program, was not discussed at the public hearings, it is a measure that should strengthen other State-adopted measures, such as traffic flow improvement and transit patronage increases, that did receive public support.

The inspection and maintenance program proposed by the State was disapproved because administrative and enforcement procedures were not specified in the plan, nor was a schedule of dates submitted by which significant steps in the inspection program will be implemented. The Administrator is continuing to assess the earliest practicable date on which the inspection and maintenance program can be fully implemented. He may revise this date based on results of

this assessment. Under the Federally proposed inspection program, emission limits for light-duty vehicles with no emission control systems will not be set at a level which would necessitate retrofitting.

Because the State may not be able to develop the forecasting capability necessary to successfully implement the intermittent exclusion measure, and because of the uncertainty of the emission reductions resulting from the State-adopted programs for traffic-signal optimization, exclusion of heavy-duty vehicles, improvement of public transit, and construction of second-level sidewalks, Federal regulations are also proposed for the establishment and implementation of a parking management program and a selective vehicle-use exclusion program.

The proposed parking management programs are intended to stabilize immediately the supply of parking in areas where transportation control measures are necessary for attainment of national standards. In addition to helping assure the success of the State-adopted programs for traffic flow improvement and increased transit patronage, management of the parking supply should also encourage car pooling.

The selective vehicle-use exclusion program will provide for metering the amount of traffic entering those areas of Seattle and Spokane where air quality standards are presently not being met. To implement the program, portions of the Puget Sound and Eastern Washington-Northern Idaho Regions where national standards are presently being exceeded will be designated as "vehicle-limited zones." The areas now proposed for such designation are the central business districts of Seattle and Spokane. The exact boundaries of these areas are identified in the proposed regulations.

Traffic entering the vehicle-limited zones will be metered to limit the vehicle miles of travel within the zone so that the resultant motor vehicle emissions will not cause national standards to be exceeded. To meter the amount of traffic entering a zone, the State will be required to issue an "access certificate" to each vehicle registered within certain counties of the affected Regions. The certificate will be affixed in a prominent place on the vehicle. On specified days of the week, vehicles displaying designated certificates will be prohibited from operating or parking in vehicle-limited zones between 7 a.m. and 5 p.m. The number of categories of access certificates to be prohibited each weekday will be determined by the State no later than the time of submittal to EPA of the November 1974 semiannual report of progress on implementation of the State plan for achieving national standards. This determination will be based upon the effectiveness of other State and/or Federal motor vehicle emission reduction programs.

Two alternative transportation control strategies that could be implemented in Seattle and Spokane, should the State be unable to implement an intermittent exclusion program, are presented in the following tables.

COMPILATION OF STATE/FEDERAL TRANSPORTATION CONTROL STRATEGY EFFECTS ON MAY 31, 1975

SEATTLE CENTRAL BUSINESS DISTRICT

Transportation control measures	Carbon monoxide reductions			
	EPA Proposal		EPA Alternative	
	kg/mi[3] −8 hr	%	kg/mi[3] −8 hr	%
Traffic-signal optimization [1]	−518	5.3	−518	5.3
Exclusion of heavy-duty vehicles [1]	−1331	13.6	−1331	13.6
Inspection and maintenance of light-duty vehicles (no retrofit) [2]	−982	10.0	.....	.....
Selective vehicle-use exclusion [2]	−1206	12.2	−2188	22.2
Parking management [2]	.....	.....	.....	.....
Total	−4037	41.1	−4037	41.1
Motor vehicle emissions forecast in 1975	9823	.....	9823	.....
Motor vehicle emissions remaining	5786	.....	5786	.....
Maximum emissions allowable to attain standard	5786	.....	5786	.....

[1] State-adopted transportation control measure.
[2] EPA-proposed transportation control measure.

COMPILATION OF STATE/FEDERAL TRANSPORTATION CONTROL STRATEGY EFFECTS ON MAY 31, 1975

SPOKANE CENTRAL BUSINESS DISTRICT

Transportation control measures	Carbon monoxide reductions			
	EPA Proposal		EPA Alternative	
	kg/mi[2]- 8 hr	%	kg/mi[2]- 8 hr	%
Traffic-signal optimization [1]	−170	2.9	−170	2.9
Exclusion of heavy-duty vehicles [1]	−476	8.1	−476	8.1
Accelerated transit plan [1]	−58	1.0	−58	1.0
Second-level sidewalks [1]	−18	0.3	−18	0.3
Inspection and maintenance of light-duty vehicles (no retrofit) [2]	−585	10.0	.....	.....
Selective vehicle-use exclusion [2]	−809	13.9	−1394	23.9
Parking management [2]	.....	.....	.....	.....
Total	2116	36.2	2116	36.2
Motor vehicle emissions forecast in 1975	5845	.....	5845	.....
Motor vehicle emissions remaining	3729	.....	3729	.....
Maximum emissions allowable to attain standard	3729	.....	3729	.....

[1] State-adopted transportation control measure.
[2] EPA-proposed transportation control measure.

The alternative strategies shown assume that the State's estimates of the emission reductions resulting from the traffic-signal optimization and heavy-duty vehicle exclusion programs are achievable. Alternative 1, the current Federal proposal, indicates the additonal carbon monoxide emission reductions that will be achieved through the implementation of the selective vehicle-use exclusion and parking management programs together with State-adopted measures. No reduction in motor vehicle emissions is attributed to the parknig management program. The parking management program is proposed to assure the efficacy of other control measures and to assist in the maintenance of national standards. Alternative 2 indicates the emission reductions that will result if only the selective vehicle-use program is used to supplement the State-adopted measures.

SOCIAL AND ECONOMIC IMPACTS OF PROPOSED FEDERAL TRANSPORTATION CONTROL MEASURES

A quantitative assessment of the economic and social impacts of the proposed Federal transportation control measures on the two Regions in the State of Washington has not been possible due to the short time available for development of the measures and the innate complexities of the issues involved. However, an attempt has been made to identify some of the more important impacts that will result if the proposed Federal measures are promulgated and implemented.

First, if the proposed inspection/maintenance program is implemented, vehicle owners will probably have to assume directly some of the costs of vehicle inspection and all of the costs of any vehicle maintenance required to meet the inspection emission standards. If a failure rate of 50 percent is set for the inspection/maintenance program, the annual cost for each vehicle inspected is estimated to average $15.

Second, reductions in the accessibility of the Seattle and Spokane central business districts could result if automobile use is restricted through either selective vehicle exclusion or parking management and no adequate alternative mode of transportation is provided. If the central business districts become less convenient to workers and shoppers, the economies of these districts may be adversely affected. Property values could fall and private profits and government revenues could decline. The extent of adverse economic effects and the degree to which these effects can be ameliorated through providing alternatives to travel by automobile are difficult to estimate. However, economic losses in the central business districts may be offset by gains elsewhere within the Regions.

EPA EFFORTS TO MITIGATE THE EFFECTS OF PROPOSED REGULATIONS

The proposed Federal regulations, together with the State-adopted measures, will eliminate the danger to human health and welfare that exists in the Puget Sound Intrastate Region and the Washington portion of the Eastern Washington-Northern Idaho Interstate Region as a result of air pollution from motor vehicles. The regulations may, however, have adverse economic and social impacts. The Administrator will make every effort to mitigate the adverse effects of his final promulgation. He will be in contact with the Department of Transportation and other departments as necessary. The Administrator will request that these departments give special attention to the need for funding of programs necessary to offset any adverse effects resulting from the implementation of transportation control measures.

PUBLIC COMMENTS SOLICITED

The Administrator intends that any Federal regulations which must be promulgated be as responsive as possible to the needs of the Puget Sound Intrastate and Eastern Washington-Northern Idaho Interstate Regions; he therefore desires to obtain the comments and sug-

gestions of the public on the proposed regulations and on any other measures that may be taken by Federal, State, or local governments to strengthen, supplement, or replace the proposed measures.

Public hearings will be held on this and any alternative proposals in Seattle at the Orcas Room, Coliseum Northwest, Seattle Center, at 7:30 p.m., on July 31, 1973, and in Spokane at the Rennaissance Room, Gonzaga University, at 7:30 p.m. on July 30, 1973.

In any promulgation of regulations necessary, the Administrator will consider all comments and testimony he receives, as well as any additional strategies submitted by the State.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rule making by submitting written comments, preferably in triplicate, to the Administrator, EPA, Region X, 1200 Sixth Avenue, Seattle, Washington 98101, Attention: A. J. Frankel. All relevant comments received within 30 days of this date will be considered. Receipt of comments will be acknowledged, but substantive responses to individual comments will not be provided. Comments received will be available for public inspection during normal business hours at the EPA Region X library. The changes proposed by this notice, with appropriate modifications, will be effective as noted. This notice of proposed rule making is issued under the authority of sections 110(c) and 301(a) of the Clean Air Act.

(42 U.S.C. 1857c et seq.)

Dated July 6, 1973.

ROBERT W. FRI,
Acting Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40, of the Code of Federal Regulations as follows:

Subpart WW—Washington

1. Subpart WW is amended by adding §§ 52.2485, 52.2486, and 52.2487 as follows:

§ 52.2485 Inspection and maintenance program.

(a) Definitions.

(1) "Inspection and maintenance program" means a program for reducing emissions from in-use gasoline-powered vehicles through identifying vehicles which need emission-control-related maintenance and requiring that maintenance be performed.

(2) All other terms used in this section which are defined in Part 51, Appendix N, of this chapter are used herein with the meanings so defined.

(b) This regulation is applicable in all the counties which constitute the Puget Sound Intrastate Air Quality Control Region and in the counties of Spokane, Lincoln, Adams, and Whitman in the Eastern Washington-Northern Idaho Interstate Air Quality Control Region (hereafter referred to as the Regions).

(c) The State of Washington shall establish an inspection and maintenance program applicable to all light-duty gasoline-powered vehicles which operate on public streets or highways within the applicable counties. No later than March 1, 1974, the State shall obtain necessary authority and shall adopt regulations to establish such a program. The regulations shall include:

(1) Provisions for inspection of all gasoline-powered light-duty motor vehicles at periodic intervals no more than 1 year apart by means of an idle-mode emission test.

(2) Provisions for inspection failure criteria consistent with the emission reductions claimed in the plan for the strategy. These criteria shall include failure of 50 percent of the vehicles in the first inspection cycle.

(3) Provisions to ensure that failed vehicles receive the maintenance necessary to achieve compliance with the inspection standards. These shall include sanctions against individual owners and repair facilities; retest of failed vehicles following maintenance; use of a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts, and knowledge to perform the tasks satisfactorily; and use of such other measures as may be necessary or appropriate.

(4) A program of enforcement to ensure that vehicles are not intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. This enforcement program might include spot checks of idle adjustments and/or a suitable type of physical tagging.

(5) Provisions for beginning the first inspection cycle by January 1, 1975, and completing it by May 31, 1975.

(6) Designation of an agency or agencies responsible for conducting, overseeing, and enforcing the inspection and maintenance program.

(d) After May 31, 1975, the State shall not register or allow to operate on public streets or highways any light-duty gasoline-powered vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(e) After May 31, 1975, no owner of a light-duty gasoline-powered vehicle shall operate or allow the operation of such vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(f) The State of Washington shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce an inspection and maintenance program pursuant to paragraph (c) of this section, including:

(1) The text of needed statutory proposals and of regulations which it will propose for adoption.

(2) The date by which the State will recommend needed legislation to the State legislature.

(3) The date by which necessary equipment will be ordered.

(4) A signed statement from the Governor or his designee identifying the sources and amounts of funds for the program. If funds cannot legally be obligated under existing statutory authority, the text of needed legislation shall be submitted.

(g) Failure to comply with any provisions of this paragraph shall render such person or governmental entity failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act.

§ 52.2486 Management of parking supply.

(a) Definitions

(1) "Construction" means fabrication, erection, or installation of a parking facility, or any conversion of land to use as a facility.

(2) "Modification" means any change to a parking facility which increases the vehicle capacity of such facility.

(3) "Enlargement" means any physical change or addition to a parking facility which increases the vehicle capacity of such facility.

(4) "Commenced" means the owner or operator has undertaken a continuous program of construction, modification, or enlargement.

(5) "Parking facility" (also called "facility") means any facility, building, structure, or lot, or portion thereof, used primarily for temporary storage of motor vehicles.

(b) This regulation is applicable in all counties included in the Puget Sound Intrastate Air Quality Control Region and in the counties of Spokane, Lincoln, Adams, and Whitman in the Washington-Northern Idaho Interstate Air Quality Control Region (hereafter referred to as the Regions).

(c) No person, after the date of this regulation, shall commence construction of any new parking facility or modification or enlargement of any existing parking facility until he has first received from the Administrator or from an agency approved by the Administrator a permit stating that construction, modification or enlargement of such facility will not interfere with attainment or maintenance of applicable Federal air quality standards.

(d) In order for any agency to be approved by the Administrator for purposes of issuing permits for construction of any new parking facility or any modification or enlargement of any existing parking facility, such agency shall demonstrate to the satisfaction of the Administrator that:

(1) Requirements for permit applications and issuance have been established. Such requirements shall include but not be limited to a requirement that before a permit may be issued the following findings of fact or factually supported projections must be made:

(i) The location of the facility.

(ii) The total motor vehicle capacity before and after the construction, modification, or enlargement of the facility.

(iii) The normal hours of operation of the facility and the enterprises and activities which it serves.

(iv) The number of people using or engaging in any enterprises or activities which the facility will serve.

(v) The number of motor vehicles using the proposed facility on an average hourly basis and a peak hour basis.

(vi) A projection of the geographic areas in the community from which people and motor vehicles will be drawn to the facility. Such projections shall include data concerning the availability of public transit from such areas.

(2) Criteria for issuance of permits have been established and published. Such criteria shall include but not be limited to:

(i) Full consideration of all facts contained in the application.

(ii) Provisions that no permit shall be issued if such permit will result in the increase of vehicle miles of travel within any area the air quality of which fails to meet applicable Federal air quality standards.

(3) Agency procedures provide that no permit for the construction, enlargement or modification of a facility covered by this section shall be issued without notice and opportunity for public hearing. The public hearing may be of the legislative type; the notice shall conform to the requirements of § 51.4(b) of this chapter; and the agency rules of procedure may provide that if no notice of intent to participate in the hearing is received from any member of the public (other than the applicant) prior to 7 days before the scheduled hearing date, no hearing need be held. Such a requirement, if imposed, shall be noted prominently in the required notice of hearing.

§ 52.2487 Selective vehicle-use exclusion.

(a) Definitions:

(1) "Selective vehicle-use exclusion program" means a program whereby use of light- and heavy-duty vehicles within a specified area is selectively prohibited in a manner equitable for all vehicle operators.

(2) "Seattle central business district" means an area enclosed by Yesler Way, the I–5 freeway, Eighth Street, Virginia, and the Alaska Way Viaduct. Traffic on I–5 and the Alaska Way Viaduct is not included.

(3) "Spokane central business district" means an area enclosed by Trent, Monroe, Third Street, and Division. Traffic on Division is not included.

(4) "Vehicle-limited zone" means the geographic area to which a selective vehicle-use exclusion program applies.

(b) On or before October 1, 1973, the Governor of the State of Washington shall submit to the Administrator for his approval a compliance schedule containing the text of proposed procedures for designating and issuing up to 10 primary categories of access certificates for vehicles registered, beginning no later than January 1, 1975, in all the counties included within the Puget Sound Intrastate Air Quality Control Region and in the counties of Spokane, Lincoln, Adams, and Whitman in the Eastern Washington-Northern Idaho Interstate Air Quality Control Region and for selectively restricting vehicle use in vehicle-limited zones consisting of the Seattle and Spokane central business districts. The procedures shall include:

(1) Provisions to assure that multiple-vehicle owners or households receive no more than one category of access certificate.

(2) Provisions that additional categories of access certificates may be issued for vehicles the use of which is deemed essential by the State of Washington, including, but not limited to, police and fire vehicles, ambulances, and public transit vehicles.

(3) Prohibitions of vehicles bearing specified certificates from being operated or parked on public streets within designated vehicle-limited zones. These prohibitions shall provide for excluding vehicles bearing one or more types of the primary categories of access certificates from the vehicle-limited zones between 7:00 a.m. and 5:00 p.m. on specific workdays. The number of categories excluded each day shall be specified no later than the semiannual report to be submitted to EPA by the State of Washington in November 1974.

(4) Provisions that certificates of access will be distributed to vehicle owners during the motor vehicle registration period beginning no later than January 1, 1975. However, all such certificates shall be issued by March 31, 1975.

(5) Designation of an agency or agencies which shall be responsible for administration and enforcement of this program.

(6) An explanation of procedures necessary to implement and enforce this program (such as establishing spot-check locations at major intersections and issuing citations to those driving on prohibited days).

(7) Provisions that actual exclusion will begin as expeditiously as practicable; however, this exclusion shall begin no later than May 31, 1975.

(c) No later than March 1, 1974, the State shall submit legally adopted regulations to EPA establishing such a vehicle use exclusion program specified in paragraph (b) of this section.

(d) Beginning no later than January 1, 1975, the State of Washington shall not register any motor vehicle subject to the provision of subparagraph (b) of this section without issuing suitable access certificates to vehicle owners.

(e) Beginning no later than March 31, 1975, no owner or operator of a vehicle subject to the provisions of paragraph (b) of this section shall operate or allow the operation of his vehicle unless an access certificate is prominently affixed to that vehicle.

(f) Failure to comply with any provisions of this paragraph shall render a person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act.

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